

EXHIBIT F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWARD SHIN,

Plaintiff,

Index No.

1:17-cv-05183 (LG) (SMG)

-against-

YSE ENTERPRISES, INC., MICHAEL S. WANG,
VICTORIA WANG as TRUSTEE OF THE RICHARDSON
IRREVOCABLE TRUST, TERRANCE WU, DEH-JUNG
DEBORAH WANG and YOUNG K. LEE,

Defendants.

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The Chartwell Law Offices
One Battery Park Plaza
New York, New York 10004
May 28, 2019
11:30 a.m.

EXAMINATION BEFORE TRIAL of CHUNG K. LEE,
Non-Party Witness, held at the above time and
place, pursuant to Subpoena & Agreement, taken
before Joi Rafkind, a shorthand reporter and
Notary Public within and for the State of New
York.

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Appearances continued on next page.

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1 A P P E A R A N C E S: (Cont.)

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8

9 ALSO PRESENT:

10 Ms. Lena Lee, Korean Interpreter

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein, that filing, sealing and certification, and the same are, hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to the form of the question, shall be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be signed and sworn to by an officer authorized to administer an oath, with the same force and effect as if signed and sworn to before the Court.

X X X X X

1 LENA LEE, called as the interpreter in this
2 matter, was duly sworn by a Notary Public of
3 the State of New York to accurately and
4 faithfully translate the questions propounded
5 to the witness from English into Korean and
6 the answers given by the witness from Korean
7 into English.

8 oOo

9 CHUNG K. LEE, the witness herein, having been
10 first duly sworn by a Notary Public of the
11 State of New York, was examined and testified
12 through the interpreter as follows:

13 EXAMINATION

14 BY MS. NICOLAOU:

15 Q. State your name for the record,
16 please.

17 A. Chung K. Lee.

18 Q. State your address for the record,
19 please.

20 A. 2949 218th Street, Bayside, New York
21 11360.

22 Q. Good morning, Mr. Lee.

23 A. Yes, good morning.

24 Q. My name is Carmen Nicolaou. I
25 represent what I refer to as the Wang

1 defendants in this action. They were the
2 owners at one point of the property where the
3 incident involving Mr. Shin occurred, and
4 that property is known as 154-05 Northern
5 Boulevard. Now, you've testified at
6 depositions before, Mr. Lee, is that correct?

7 A. Yes, regarding my own case.

8 Q. I believe there's an action pending
9 against you and some of my clients in
10 connection with the sale of the property at
11 154-05 Northern Boulevard, is that right?

12 A. Yes, that is correct.

13 Q. Are you still in that action?

14 A. Yes, it's pending.

15 Q. Still pending. Now, this deposition
16 is similar in the format as the other
17 deposition that you participated in, so I'm
18 going to be asking you questions, you're
19 going to be providing answers to those
20 questions to the best of your ability.

21 A. Yes.

22 Q. Do you understand any English,
23 Mr. Lee?

24 A. I understand a little, because I am
25 not very good in expressing myself in Korean,

1 that's why I requested for a Korean
2 interpreter.

3 Q. Your request, of course, was granted
4 obviously, and I understand you're more
5 comfortable testifying in your Korean
6 language, which is fine, but if you
7 understand anything I'm saying to you in
8 English, you need to wait until it's fully
9 translated before answering that question.
10 Okay?

11 A. Yes, I understand.

12 Q. All your responses have to be verbal
13 in Korean.

14 A. Yes.

15 Q. If you answer the question that's
16 translated to you, I can only assume you
17 understood that question. So if you're not
18 sure what was asked of you in the translation
19 of my question, please let your
20 translator/interpreter know, and she will let
21 me know. Okay?

22 A. Yes, I understand.

23 Q. Now, Mr. Lee, you currently own the
24 property at 154-05 Northern Boulevard,
25 correct?

1 A. Yes, that is correct.

2 Q. Do you personally own it or are you
3 an owner of a company that owns the property?

4 A. The company owns it.

5 Q. What's the name of that company?

6 A. CMJJ LLC.

7 Q. What's your title within that
8 company?

9 A. So I am the president.

10 Q. Do you have any -- are you also --
11 withdraw that. Are you also the sole owner
12 of the company?

13 A. No, there was one more.

14 Q. Who is the other owner?

15 A. Do you want the name of the person?

16 Q. That is correct, yes, please.

17 A. M-Y-O-U-N-G, middle name H, last
18 name Lee, L-E-E.

19 Q. Is that Mr. Lee who was arrested in
20 connection with Mr. Shin's -- with respect to
21 the incident involving Mr. Shin on April 22,
22 2017?

23 A. No.

24 Q. So it's a different Young Lee?

25 THE INTERPRETER: Sorry, just for

1 clarification, it's not Young Lee, it's
2 M-Y-O-U-N-G.

3 MS. NICOLAOU: My apologies,
4 M-Y-O-U-N-G.

5 THE INTERPRETER: Put M in front of
6 Young.

7 MS. NICOLAOU: Instead of Young
8 it's Myoung.

9 MR. WEISSLER: Off the record.

10 (Whereupon, a discussion was
11 held off the record.)

12 Q. Mr. Myoung Lee and yourself own CMJJ
13 LLC, correct?

14 A. Yes, that's correct.

15 Q. Do you each own that company
16 equally, 50/50, or something else?

17 A. That is correct, 50/50.

18 Q. Was that company formed solely for
19 the ownership of 154-05 Northern Boulevard?

20 A. Yes, that's correct.

21 Q. What, if anything, is Mr. Lee's
22 title, Myoung Lee's title?

23 A. So I would say he is a management
24 member.

25 Q. What does that mean?

1 A. So to explain this I have the
2 ownership of this company and then I manage
3 this company, or the property, and he --

4 THE INTERPRETER: I'm sorry, strike
5 that.

6 A. I manage the property and then he
7 has partial ownership for the property.

8 Q. So do you handle, just to be clear,
9 you handle the day-to-day management of the
10 building located at 154-05, is that right?

11 A. That is correct.

12 Q. When did CMJJ LLC take ownership of
13 the property at 154-05?

14 A. I don't recall the exact date, but
15 probably 2 or 3 years ago. When was the
16 incident occur.

17 Q. April 22, 2017.

18 A. Then the closing was in the same
19 year, 2017 I believe it was around
20 April 30th.

21 Q. So within a short period of time
22 after Mr. Shin's accident, or incident,
23 rather, the property was purchased by CMJJ,
24 is that correct?

25 A. So to be clear, the closing date was

1 around April 30th, so even before the
2 incident closing date was set.

3 Q. I understand. So CMJJ was in
4 contract with the purchase of the property at
5 the time of Mr. Shin's incident on April 22,
6 2017?

7 A. That is correct.

8 Q. I understand you also own a
9 restaurant at that property, is that right?

10 A. Yes, that is correct.

11 Q. What is the name of the restaurant?

12 MR. WEISSLER: I'm sorry, I
13 couldn't hear the question.

14 MS. NICOLAOU: What is the name of
15 the restaurant.

16 A. Picnic Garden BBQ.

17 Q. What is the company name, if there
18 is one, that owns Picnic Garden BBQ? You got
19 to wait for it to be translated, Mr. Lee,
20 don't answer a question unless it's
21 translated.

22 A. So the company who owns this
23 business Picnic Garden BBQ is Picnic Garden
24 BBQ Buffet Inc.

25 MR. WEISSLER: Can you repeat that

1 one more time.

2 THE INTERPRETER: Of course picnic
3 Garden BBQ Buffet Inc.

4 Q. Are you the sole owner of this
5 company?

6 A. Yes, that's correct.

7 Q. Were you the sole owner of this
8 company back in April of 2017?

9 A. Yes, that's correct.

10 Q. How long has Picnic Garden operated
11 at 154-05 Northern Boulevard?

12 A. I believe now it's been 3 years.

13 Q. So how long was it operating at that
14 property at the time of Mr. Shin's incident?

15 A. Although I can't recall exactly, but
16 I believe it was around 1 year, a little more
17 than a year, around 1 year.

18 Q. When you operated the business at
19 154-05 Northern Boulevard, did you lease that
20 property from the owners of that building?

21 A. Yes, correct.

22 Q. Did you lease that property with the
23 intention of purchasing it at a later date?

24 A. So that was part of the condition of
25 the lease, it includes the term that later on

1 it would be sold to me.

2 Q. Did the lease also include the
3 purchase price of the property?

4 A. No.

5 Q. Could you please describe to me what
6 part of the property was leased to Picnic
7 Garden?

8 A. The first floor.

9 Q. Did the first floor -- how would you
10 enter the restaurant?

11 A. Through the entrance.

12 Q. Okay. Where is the entrance, in
13 other words, Mr. Lee, I'm trying to find out
14 where the entrance to the restaurant is, is
15 it off the street, do you have to physically
16 enter the building, or something else?

17 A. So there are separate entrances, so
18 into my restaurant there's a separate
19 entrance on the first floor, so it's
20 dedicated entrance to the restaurant, and
21 other units, second floor or third floor,
22 they utilize different entrance.

23 Q. So just to be clear, the property
24 has two entrances, one exclusively for your
25 restaurant and the other for the upstairs

1 tenants, is that right?

2 A. That is correct.

3 Q. I understand there's a karaoke bar
4 on the second floor, is that right?

5 A. Yes, that is correct.

6 Q. Is it still operating today on the
7 second floor?

8 A. Yes, it's in business.

9 Q. Is it the same one that was
10 operating at the time of Mr. Shin's accident?

11 A. No, about 2 months ago they have a
12 new owner.

13 Q. Did the new owner, to your
14 knowledge, did the new owner take over the
15 space, the lease with the other karaoke --
16 withdraw that question. Let me start over.
17 To your knowledge, did the new owner take
18 over the lease for the second -- for the
19 karaoke bar that was there originally, or did
20 you as owner of the property through CMJJ
21 lease that property to the new owner
22 directly?

23 A. So it was sold and bought
24 assignment.

25 Q. So was CMJJ involved in the

1 assignment of the lease to the new owners of
2 the karaoke bar?

3 A. Yes, of course.

4 Q. It's my understanding that this
5 karaoke bar, at least it's been testified to
6 by other witnesses, that this was a kind of a
7 club, is that right, a gentleman's club?

8 MS. BERKOWITZ: Objection to the
9 form of the question.

10 MR. BASIL: Off the record.

11 (Whereupon, a discussion was
12 held off the record.)

13 A. So my understanding that it's a room
14 salon.

15 MR. WEISSLER: It's a what?

16 THE INTERPRETER: Room salon.

17 MR. BASIL: R-O-O-M space
18 S-A-L-O-N.

19 MR. WEISSLER: Room salon.

20 THE INTERPRETER: It's Korean
21 terminology for that kind of
22 establishment.

23 A. It's a room salon, which is a
24 different form of a business from gentleman's
25 club.

1 Q. What is a room salon?

2 A. It's a place that you can sing and
3 have drinks.

4 Q. Only men were allowed to go, is that
5 right?

6 A. It's not like that.

7 Q. Okay. So women could also attend
8 the room, go to the room salon and
9 participate in karaoke as well?

10 A. So I think it's all mixed, the group
11 of women can go to a place like that and have
12 fun and group of men can go to that kind of
13 establishment and have fun, and then they
14 could meet at the same place and they can
15 have fun together.

16 Q. Just to be clear, the karaoke bar
17 back in April of 2017 allowed for both, to
18 your knowledge, allowed for both men and
19 women to patronize it, is that right?

20 A. Yes, that is correct.

21 Q. You observed women as guests of this
22 karaoke bar?

23 A. Not that I observed with my own
24 eyes, but then I've heard from other people
25 saying that females say that we went there

1 and we had fun there.

2 Q. Mr. Lee, were you a member of this
3 karaoke bar back in April of 2017?

4 A. I don't believe there was membership
5 there.

6 Q. How often, let me ask you this, did
7 you patronize that bar, that karaoke bar?

8 A. Yes, I've been there.

9 Q. Approximately how many times have
10 you been a guest or patron of the karaoke bar
11 prior to April 22, 2017?

12 A. I don't believe I need to answer
13 your questions. The reason I am at this
14 deposition is because of the litigation, and
15 I deem your question that was just asked to
16 me was about private life. And if it's going
17 to be this way, I would like to leave.

18 MS. NICOLAOU: Bob.

19 MR. WEISSLER: He wants to what?

20 MS. NICOLAOU: He wants to leave.

21 MS. BERKOWITZ: He wants to leave
22 if she's going to continue.

23 MS. NICOLAOU: I'm going to
24 continue about his history of this bar,
25 it's all relevant about the facts of

1 this case. You're his attorney, you
2 tell me what position you want to take.
3 Because if he's not going to answer
4 those questions, we're going to have an
5 issue, and he's under subpoena, so
6 would you like to talk to him?

7 MR. BASIL: Yes. May I use your
8 interpreter?

9 MS. NICOLAOU: You may use my
10 interpreter.

11 MR. BASIL: Okay.

12 MS. NICOLAOU: Thank you.

13 MR. BASIL: Read back the last
14 question.

15 (Whereupon, the record was read
16 by the reporter.)

17 A. So I understand it was before 2017,
18 so what period of time?

19 Q. I'm asking, Mr. Lee -- I'm going to
20 reask the question again. Prior to
21 April 2017 how many times have you attended
22 the karaoke bar at 154-05 Northern Boulevard?

23 MR. BASIL: Carmen, before --

24 MS. NICOLAOU: Hasn't been opened
25 for 50 years, Bob --

1 MR. BASIL: Listen --

2 MS. NICOLAOU: -- so.

3 MR. BASIL: -- are you asking as a
4 patron?

5 MS. NICOLAOU: As a patron, yes,
6 that was my question.

7 Q. How many times -- I'll reask the
8 question. Prior to April 2017 how many times
9 were you a patron of the karaoke bar at
10 154-05 Northern Boulevard?

11 MR. WEISSLER: I think it's 157.

12 MS. NICOLAOU: 4.

13 A. 154-05.

14 THE INTERPRETER: I'll ask the
15 question.

16 MS. NICOLAOU: Can we ask the
17 question, thank you.

18 A. So I can't recall exactly how many
19 times I had been there as a guest or a
20 patron, but my understanding is that this is
21 quite a pricey location and I only visit on
22 special occasions, so approximately I would
23 say once or twice a year.

24 Q. Over the course of how many years?

25 A. Just to clarify that, just to

1 clarify, there are different Korean karaoke
2 bars in the area too, so when I mentioned
3 once or twice, I meant it in general to that
4 sort of establishment, not particularly at
5 that location.

6 Q. So let me reask the question again.
7 Mr. Lee, how many times did you visit the
8 karaoke bar that was located at 154-05
9 Northern Boulevard prior to April of 2017?

10 A. I would say about ten times.

11 MR. WEISSLER: I'm sorry, did you
12 ask over what period of time that was?

13 MS. NICOLAOU: No. Now that I got
14 an answer to my question, I'll ask
15 that.

16 Q. In the ten times that you visited
17 the karaoke bar prior to April 22, 2017 over
18 what period of time was that?

19 A. So I would say within 10 year
20 period.

21 Q. Would it be correct that if I say
22 based on your testimony, on average you
23 visited this karaoke bar about once a year
24 over the 10 years?

25 A. Yes, if you mean this particular

1 location, yes.

2 Q. Okay, thank you. Now, in 2017,
3 prior to April 22, 2017, how often were you a
4 patron of the karaoke bar at that location at
5 154-05 Northern Boulevard location?

6 A. I didn't go there.

7 Q. Were you present at this karaoke bar
8 in April of 2017?

9 A. When the incident occurred?

10 Q. That's correct.

11 A. Yes, I was.

12 Q. And you were there as a patron, is
13 that right?

14 A. Correct.

15 Q. Prior to that, between January of
16 2017 and prior to April 22, 2017, when
17 Mr. Shins -- when the incident involving
18 Mr. Shin occurred, how many times were you a
19 patron of that karaoke bar in that April,
20 May, 4-month period?

21 A. As I said, I didn't.

22 Q. So that was your first time in that
23 karaoke bar in 2017, is that right?

24 A. Yes, that's correct.

25 Q. That was your first time in that

1 karaoke bar as a patron for 2017?

2 A. If you -- to my recollection, and if
3 you mean at this particular karaoke bar
4 location?

5 Q. Yes.

6 A. Yes, that was the first time in
7 2017.

8 Q. Other than being at that karaoke bar
9 as a patron, how many times have you gone
10 upstairs for other reasons, and just to
11 clarify, this is prior to April 2017?

12 THE INTERPRETER: In 2017?

13 MS. NICOLAOU: Prior to April of
14 2017.

15 A. So to answer your question I would
16 like to clarify of the fact that fire alarm
17 panel for the first floor is actually located
18 on the second floor, and although I had not
19 been upstairs to reset the alarm, but
20 sometimes there's errors or some sort of
21 malfunction of it and then you have to go
22 upstairs and reset the panel, and my manager
23 had gone up there and then reset the panel,
24 so if you include that, there would be an
25 occasion that I had technically visited that

1 business.

2 Q. Mr. Lee, I want to know whether you
3 physically went up to the karaoke bar for
4 other reasons other than being a patron prior
5 to April of 2017? I don't want to know about
6 your managers or your wait staff, I want to
7 know about you personally, have you gone up
8 to the karaoke bar for other reasons prior to
9 April 22, 2017, for reasons other than,
10 excuse me, being a guest, a patron of that
11 bar?

12 A. Then no, I had no reason to go up
13 there.

14 Q. When did you enter into a contract
15 for the purchase of the property at 154-05
16 Northern Boulevard?

17 A. I do not recall exactly, but I
18 believe it was sometime in July or August of
19 2016.

20 MR. BASIL: Can we go off the
21 record for a second.

22 (Whereupon, a discussion was
23 held off the record.)

24 Q. When you entered into contract in
25 July, August of 2016 for the property, did

1 you go -- did you inspect, personally, did
2 you go up those stairs and look at the second
3 floor space and the third floor space?

4 A. I didn't conduct any specific
5 special additional inspections around that
6 time of the contract because there are law
7 offices on the third floor and that had been
8 there before this contract was talked about,
9 so I didn't need to perform any additional
10 inspections.

11 Q. Did you hire someone to inspect the
12 building prior to entering into a contract?

13 A. No.

14 Q. Is the property -- does the property
15 have a mortgage? I'm sorry, withdraw that
16 question. Is there a mortgage on the
17 property?

18 A. Yes.

19 Q. And that mortgage is from Noah Bank,
20 is that right?

21 A. Yes, that's correct.

22 Q. Did the bank require to issuing a
23 mortgage that the building be inspected by an
24 engineer or some other architect, or
25 something along those lines?

1 A. So that kind of inspections would be
2 done by the bank, so my understanding is that
3 they performed this type of inspections if
4 the whole environment is safe. Before the
5 appraisal they would do this. Then they
6 would make an approval and that mortgage
7 would be given.

8 Q. Did you ever become aware whether
9 Noah Bank had an engineer or architect
10 inspect the property prior to issuing the
11 mortgage?

12 A. I recall that I had notified from
13 them that appraiser would be there at the
14 property.

15 Q. Other than the appraiser, do you
16 know if the bank conducted an inspection of
17 the building?

18 THE INTERPRETER: Can the
19 interpreter get a clarification,
20 please.

21 MS. NICOLAOU: Yes.

22 THE INTERPRETER: Thank you.

23 A. So the answer is I have no clear
24 recollection, but I would like to say that in
25 the closing there is an itemized things about

1 appraisers, or this inspection, and that, so
2 I do not recall what was listed in those
3 itemized items in the closing statement, but
4 my understanding is that it's common sense to
5 conduct that type of inspection, and because
6 I recall receiving the notification by phone
7 calls about these stuff and also reading this
8 items in the closing, so my answer is yes, I
9 believe Noah Bank conducted such inspections.

10 Q. Do you still have those closing
11 documents with the itemized list of things
12 that the bank may or may not have done?

13 A. I have to look for it, but it should
14 be somewhere.

15 Q. I'm going to ask for the documents
16 relative to the closing of the property and
17 that you provide it to Mr. Basil, who I'll
18 follow-up with him for that information.

19 REQUEST NOTED:

20 A. Understood.

21 Q. After you closed on the property did
22 the bank give you any directions or
23 instructions to any repairs that you were
24 required to make to the property?

25 A. No, nothing.

1 Q. Is the property insured?

2 A. Yes.

3 Q. Did the insurance company give you
4 any specific things that you needed to repair
5 to the property to maintain coverage?

6 A. No.

7 Q. Did you make any changes to the
8 property since you purchased it from -- since
9 you purchased it in end of April 2017?

10 A. Yes, I did.

11 Q. What kind of changes did you make?

12 A. So first thing I did was the change
13 the exterior of the property and also fix the
14 stairs to upstairs, and I am still working on
15 the elevator, it takes for a long time.

16 Q. What exactly did you do to the
17 stairs, the staircase that you fixed, was it
18 the one going from the first floor to the
19 second floor?

20 A. Yes, actually both, first floor to
21 second floor and second floor to third floor.

22 Q. What repairs or what did you fix in
23 that staircase, the one from the first to the
24 second?

25 A. So the whole staircase was fixed so

1 each stairs were repaired, and then also
2 extended or enlarged the width of each step.

3 Q. Who did the work?

4 A. A contractor, construction.

5 Q. What was the name of the company?

6 A. Hana Construction.

7 THE INTERPRETER: H-A-N-A,
8 phonetically spelled.

9 MR. WEISSLER: N?

10 THE INTERPRETER: H-A-N-A
11 Construction, phonetically spelled.

12 Q. Did Hana Construction, to your
13 knowledge, have to obtain a permit to make
14 any changes to the staircase?

15 A. Yes, of course.

16 Q. When were these changes made?

17 A. So I think it's soon after I
18 purchased the building I started working on
19 the stairs 6 months after I purchased the
20 property, and then the work was finished the
21 beginning of this year. And elevators,
22 elevator bank, it will be finished soon, end
23 of this month, the elevator would come in
24 this month.

25 Q. After Mr. Shin's accident did you go

1 to see him at his home in New Jersey?

2 MR. BASIL: Objection to the form.

3 His home is in Pennsylvania.

4 Q. Pennsylvania, I'm sorry. My
5 apologies. After Mr. Shin's accident did you
6 visit him at his home in Pennsylvania?

7 A. Yes, I did.

8 Q. Did you talk to Mr. Shin after he
9 testified at his deposition about what he
10 testified to, and his deposition in this
11 case?

12 A. I do not understand your question.
13 Do you mean about me doing this deposition?

14 Q. After Mr. Shin testified at this
15 deposition, the deposition for his case, did
16 he talk to you, have a conversation with you
17 as to what he testified to?

18 A. No, I didn't even know that he did
19 something like this for himself.

20 Q. When you visited Mr. Shin after his
21 accident in his home in Pennsylvania did you
22 discuss the staircase with him?

23 A. Talk to him about what about the
24 stairs?

25 Q. Did you have a conversation with

1 Mr. Shin when you visited him in his home in
2 Pennsylvania about the staircase at 154-05
3 Northern Boulevard, specifically the one
4 between the first and the second floor?

5 A. Although I don't recall the details
6 of the conversation that we had, but I think
7 I mentioned something about fixing the
8 stairs, I think I said something like
9 although it's not like the building
10 department issued an order to fix the stairs
11 or is it there was anything illegal about it,
12 but now I am the new owner of the property,
13 and to me it is somewhat hazardous, so I
14 would be fixing the stairs. That's, I
15 believe, that's what was had in the
16 conversation.

17 MR. WEISSLER: I'm sorry, could you
18 read that back, please.

19 (Whereupon, the record was read
20 by the reporter.)

21 Q. Mr. Lee, did Mr. Shin ask you to
22 repair the stairs at 154-05 Northern
23 Boulevard when you visited him at his home in
24 Pennsylvania?

25 A. No.

1 Q. Did Mr. Shin ever say to you that he
2 was told by his attorney that the staircase
3 was hazardous and that it should be repaired?

4 A. No, nothing like that. But he did
5 ask a question about according to the
6 building code from the building department is
7 there any issue with the stairs, so I
8 responded that I would find out. And I did,
9 and there was nothing wrong according to the
10 building code. That's what I told him.

11 Q. How did you find out there was
12 nothing wrong with the stairs?

13 A. So I asked the architect, and my
14 understanding is that if the CO was given
15 from the building department that means by
16 the code there was no issue about the
17 building. So was more of myself checking
18 again, because I had become a new owner of
19 the property and I wanted to find out, double
20 check, if there was anything illegal about
21 the stairs. But the answer I got was there
22 was none, and I just wanted to make sure that
23 there wouldn't be any additional trouble.

24 Q. Who was the architect that you spoke
25 to?

1 A. His name is Alex Heoh.

2 THE INTERPRETER: H-E-O-H or H-U-H,
3 phonetically spelled.

4 MS. NICOLAOU: Can you ask him how
5 you spell it.

6 A. I don't know.

7 THE INTERPRETER: Strike H-U-H,
8 that's a little weird. H-E-O-H,
9 phonetically spelled.

10 Q. Alex is the first name?

11 A. Alex is the first name, that's how I
12 call him.

13 Q. He's Korean, correct?

14 A. Yes, Korean.

15 Q. Do you know what his Korean first
16 name is?

17 A. I don't know, and I didn't ask,
18 because good number of Korean people actually
19 change their first name as well when they
20 naturalize, so I didn't ask about it.

21 Q. Now, I know you testified that you
22 widened the steps to the staircase, did you
23 do anything else other than widen the steps?

24 A. I also changed the materials of the
25 stairs and also changed the rail, handrail.

1 Q. The material of the stairs is what
2 right now?

3 A. Marble.

4 Q. And it was carpeting before,
5 correct?

6 A. Yes.

7 Q. Whenever you hired Hana Construction
8 to do the work on the staircase, did they put
9 in a bid?

10 A. No.

11 Q. Did you have plans drawn up for the
12 staircase?

13 A. I believe, my understanding is that
14 something like that was submitted to the
15 building department in order to obtain a
16 permit it should be done, that's my
17 understanding.

18 Q. That's with Alex Heoh?

19 A. No, it's not him.

20 Q. Do you know who submitted the plans?

21 A. There's an architect whose name is
22 Kyu Man Lee.

23 THE INTERPRETER: K-Y-U, M-A-N,
24 last name is L-E-E, phonetically
25 spelled.

1 MR. BASIL: Off the record.

2 (Whereupon, a discussion was
3 held off the record.)

4 Q. Mr. Lee, do you still have paperwork
5 in connection with the repairs or the
6 construction of the staircase at 154-05
7 Northern Boulevard?

8 A. Those were not handled by me because
9 I usually hire GC, general contractor, so I
10 don't know.

11 Q. Who was the general contractor?

12 A. The one I mentioned before, Hana
13 Construction.

14 Q. You got to wait until fully
15 translated, Mr. Lee, before you answer that
16 question.

17 A. Yes.

18 Q. But you still have documentation
19 relative to Hana Construction, is that right?

20 A. I don't have it with me, Hana has
21 everything.

22 Q. So you don't have anything at
23 your -- at 154-05 relative to the work at
24 that property?

25 A. Correct, if you mean the current

1 construction that has been going on?

2 Q. Yes.

3 A. So my understanding is that the GC,
4 general contractor, will finish off the work
5 when everything was done and it was signed
6 off, then the documentations would be handed
7 to me, that's my understanding.

8 Q. Is the company name, to your
9 knowledge, Hana International Inc.?

10 A. No, Hana Construction.

11 Q. Where are they located?

12 A. Currently they are located on the
13 third floor of my building.

14 Q. So they are a tenant of your
15 building, and that's 154-05?

16 A. They moved their location while they
17 were working on the construction so that it
18 would facilitate it easily.

19 Q. So who is your contact at Hana
20 Construction?

21 A. The president, Jae Bok Choi.

22 THE INTERPRETER: J-A-E, B-O-K,
23 C-H-O-I is the last name, phonetically
24 spelled.

25 Q. Before they relocated to 154-05

1 where were their offices?

2 A. They were in a place called
3 Whitestone.

4 Q. What was the address?

5 A. I do not know.

6 Q. Do you have any ownership interest
7 in Hana Construction?

8 A. I do not.

9 Q. The architect, Kyu Man Lee, what's
10 the name of his company?

11 A. TL Engineering.

12 Q. Where is he located?

13 A. In Flushing.

14 Q. What is the address?

15 A. I do not know.

16 Q. Do you have anything, do you have
17 any documents in your possession that would
18 have the address of TL Engineering?

19 A. I think I have a business card where
20 I usually keep those cards.

21 Q. To your knowledge, is TL Engineering
22 located a few doors down from 154-05 Northern
23 Boulevard?

24 A. Probably one block, two blocks down
25 from where I am, where we are.

1 Q. Do you have any contract or any
2 documents in your possession relative to Hana
3 Construction?

4 A. I do have a contract says something
5 about the service fee, how much it would be.

6 Q. I'm going to ask that you provide a
7 copy of that contract to your attorney.

8 MS. NICOLAOU: And I'll make a
9 demand for it.

10 REQUEST NOTED:

11 Q. Now, you were a witness to
12 Mr. Shin's accident, is that right?

13 A. Yes, correct.

14 Q. How long have you known Mr. Shin?

15 A. So at the time when I first become
16 to know him was long time ago, because we
17 went to the same middle school, junior high,
18 middle school.

19 Q. That was back in Korea?

20 A. Correct.

21 Q. Then when you -- when did you arrive
22 to the U.S.?

23 A. Maybe in 1985.

24 Q. After arriving to the U.S., when did
25 you see Mr. Shin again?

1 A. No, not right after I came here, I
2 think, if I recall it correctly, maybe about
3 15 years ago I saw him again.

4 Q. When you saw him again 15 years ago,
5 did you maintain a relationship, a friendship
6 with Mr. Shin over the past 15 years?

7 A. I wouldn't exactly say that, that we
8 kept our friendship or relationship on an
9 ongoing basis, because we went to the same
10 middle school together, then we knew that
11 where he was and he knew where I was, what I
12 was doing, what he was doing, but then we
13 were both busy with our own businesses, so we
14 didn't keep a close relationship, or we
15 didn't keep contact with each other.

16 Q. What would you consider your
17 relationship with Mr. Shin to be back in
18 April of 2017, as a colleague, a friend, a
19 best friend, something else, how would you
20 describe that relationship?

21 A. Friends. I don't know what he
22 thinks of me, but I would say friend, best
23 friends possibly.

24 Q. You also have a business
25 relationship with Noah Bank, correct?

1 A. Yes, I do.

2 Q. You have accounts with Noah Bank,
3 business accounts?

4 A. I had to open one because of the
5 mortgage.

6 Q. You also own shares in Noah Bank, is
7 that right?

8 A. Yes, that's correct.

9 Q. I believe 100,000 shares?

10 A. Around that, yes.

11 Q. Did you purchase the shares over the
12 course of the 15 years, or before that?

13 A. No, that, within that 15 year
14 period.

15 Q. Is that because of your relationship
16 with Mr. Shin?

17 A. No. I'm a person of business, I'm a
18 business man, so I invested according to the
19 future I see about Noah Bank, had nothing to
20 do with the fact that I was friends with
21 Mr. Shin.

22 Q. You still own those same shares, is
23 that right?

24 A. That is correct.

25 Q. Prior to April 22, 2017 did you have

1 a discussion with Mr. Shin about meeting up
2 at the karaoke bar on the date of his -- of
3 the incident involving Mr. Shin?

4 A. No.

5 Q. Were you aware that Mr. Shin was
6 going to go to the karaoke bar on April 22,
7 2017?

8 A. So this is how I became aware of
9 that he would be there. So I recall I think
10 we were in touch on the same day, so I had
11 this dinner appointment on a business in
12 Flushing, I think he was having similar type
13 of meeting in New Jersey or something, and he
14 called me and saying what are you doing, and
15 then are you busy today, and then he said
16 something like he was not in a very good mood
17 or something, and he said he wanted to see a
18 friend's face, so we kind of like talked to
19 each other, and then let's gather at that
20 location, maybe we can see each other's face
21 there, and that's how I learned, or kind of
22 not an arrangement, but we ended up there.

23 MR. WEISSLER: I'm sorry, can you
24 read back the answer.

25 (Whereupon, the record was read

1 by the reporter.)

2 Q. The dinner, did you go to a business
3 dinner?

4 A. With other person?

5 Q. Yes.

6 A. Yes.

7 Q. Who was that person or persons?

8 A. You want the names?

9 Q. Yes.

10 A. Min Cheol Jung.

11 THE INTERPRETER: M-I-N, C-H-E-O-L,
12 last name is J-U-N-G, phonetically
13 spelled.

14 Q. It was just one person?

15 A. One person.

16 MR. WEISSLER: I'm sorry, the
17 middle name, it was Min?

18 THE INTERPRETER: C-H-E-O-L.

19 MR. WEISSLER: It was dinner?

20 Q. Where did you go out to eat?

21 A. Call it a chicken and beer place.

22 Q. Where?

23 A. In Flushing.

24 Q. What did you eat?

25 A. Chicken and beer.

1 Q. So you ate chicken and you drank
2 beer?

3 A. Together, yes.

4 Q. What do you mean together, was it
5 chicken cooked in the beer, or did you
6 actually drink the beer from a cup?

7 A. So there would be fried chicken and
8 there would be beer, so eat chicken, drink
9 beer.

10 Q. How many beers did you have?

11 A. So we shared 3,000 CC draft beer.

12 Q. It was served in a pitcher?

13 A. Yes, in a pitcher. Then we would
14 pour into the glass.

15 Q. The glass, how many glasses of beer
16 did you have from that pitcher?

17 A. About two glasses.

18 Q. Then when you were done you went
19 back to 154-05?

20 A. Yes, I saw the time, then went
21 there.

22 Q. Were you at that property earlier in
23 the day, because of your restaurant?

24 A. Do you mean where?

25 Q. At 154-05, you were there earlier

1 that day?

2 A. Yes, I did.

3 Q. Do you have an office at the
4 restaurant Picnic Garden?

5 A. Yes, I do, very small one.

6 Q. Do you go to the restaurant when
7 it's open for business on the days it's open
8 for business -- withdraw that. Let me reask
9 the question. On the days that Picnic Garden
10 is open for business, are you always present
11 at that restaurant?

12 A. No, not like that.

13 Q. How often would you be at the
14 restaurant when it's open for business?

15 A. So you mean how many times a week?

16 Q. Yes, that's a good time range to
17 average.

18 A. So I would say I go there 6 days a
19 week, but then I would only stay at the
20 restaurant for about an hour each time.

21 Q. Do you own any other restaurants?

22 A. Yes, I do.

23 Q. How many more?

24 A. One more.

25 Q. Is it also called Picnic Garden?

1 A. Correct.

2 Q. How are they differentiated between
3 the two restaurants, how do you differentiate
4 the names of the restaurants, if you do?

5 A. It's the same name.

6 Q. Are they both Picnic Garden BBQ
7 Inc.?

8 A. So one is Picnic Garden BBQ Buffet
9 Inc., the other one is Picnic Garden BBQ Inc.

10 Q. How often, where is the other Picnic
11 Garden located?

12 A. It's in Edison, New Jersey.

13 Q. How often do you visit that
14 restaurant?

15 A. Once every 2 weeks.

16 Q. On April 21, 2017 were you at the
17 Picnic Garden at 154-05 Northern Boulevard?

18 THE INTERPRETER: Just for a
19 clarification, 21, right?

20 MS. NICOLAOU: Yes. It happened in
21 the early morning hours of the 22nd,
22 so.

23 A. It would be impossible for me to
24 recall whether I was actually there at the
25 restaurant on April 21, 2017 or not, but just

1 I'm guessing from my practice how I visit
2 that location, so I think I did, but I can't
3 recall exactly.

4 Q. When you went out to dinner with
5 your friend, or work colleague, whatever he
6 is to you, what time did you go to that
7 restaurant, the chicken and beer place in
8 Flushing?

9 A. Around 7:30.

10 Q. What time did you finish up with the
11 dinner?

12 A. That I have very foggy recollection.
13 I do recall that I had stayed at the
14 restaurant until the time I was supposed to
15 meet Mr. Shin, but I can't recall what time
16 that was, it was pretty late hour, but I
17 can't recall exactly.

18 Q. You can't recall what time you were
19 supposed to meet Mr. Shin?

20 A. Yes, that I can't recall exactly.

21 Q. But it was -- was it before
22 midnight?

23 A. Yes, of course.

24 Q. But late hours?

25 A. Yes, because we had dinner first, so

1 to my recollection I think it was around
2 9:00 or 10:00, but I can't recall exactly.

3 Q. How did you -- when you left the
4 chicken and beer place, how did you go to --
5 back to 154-05 Northern Boulevard, did you
6 walk, did you take a cab, did you drive?

7 A. I walked.

8 Q. When you arrived to the karaoke bar
9 was Mr. Shin already there?

10 A. Although I can't recall exactly, I
11 have no clear recollection, but I do believe
12 that I had arrived there first before they
13 did, because they were in New Jersey, so I
14 think we got there first, but I do not recall
15 exactly.

16 Q. When you say we, who are you
17 referring to?

18 A. What I meant is I went there with
19 Mr. Min Cheol Jung.

20 Q. So you and Mr. Min Cheol Jung walked
21 from the karaoke bar to the restaurant, is
22 that right?

23 A. Yes, that's correct.

24 Q. Prior to that, going back to that
25 restaurant, did you make any reservations for

1 room at the karaoke place?

2 A. I don't know, I can't recall.

3 Q. When you entered the karaoke bar,
4 just to be clear, we're referring to the one
5 at 154-05 Northern Boulevard, did you go up
6 the stairs or did you use the elevator?

7 A. So that's what I was going to talk
8 to you.

9 THE INTERPRETER: Strike that, I'm
10 sorry.

11 A. That's what I was talking about
12 before me getting new elevator for the
13 building, because to my recollection whenever
14 I went to that location to go upstairs to
15 karaoke bar, the elevator never worked, so I
16 remember I was always walking up and down the
17 stairs, so that's why I wanted to get a new
18 elevator, because it's so old, it wouldn't
19 work, it wasn't working.

20 MS. NICOLAOU: Move to strike the
21 portions that aren't responsive.

22 Q. Mr. Lee, did you try to see if the
23 elevator -- withdraw that. Mr. Lee, did you
24 try to use the elevator to go to the second
25 floor that night, or did you just take the

1 stairs?

2 A. I just walked up.

3 Q. When you arrived to the karaoke bar
4 were you greeted by anyone?

5 MR. WEISSLER: I'm sorry?

6 MS. NICOLAOU: Were you greeted by
7 anyone.

8 A. I have no recollection, but I
9 believe someone must have come out and said
10 something. Whenever you go to a business
11 like that, they would come out and greet and
12 ask me question, like how many people.

13 Q. At the time that you arrived to the
14 karaoke bar were you feeling intoxicated from
15 the two beers that you consumed?

16 A. Rather than feeling intoxicated, I
17 could feel, it's just me I get red and
18 sometimes I feel warm on my face, so
19 something like that.

20 Q. Were you feeling a buzz?

21 A. Not like that.

22 Q. But you just felt like red and hot?

23 A. Yes, yes.

24 Q. Were you placed in a room when you
25 arrived to the karaoke bar?

1 A. Yes.

2 Q. Was Mr. Min Cheol Jung with you when
3 you were placed in that room?

4 A. Yes, of course.

5 MR. WEISSLER: Can you read that
6 question and answer back, please.

7 (Whereupon, the record was read
8 by the reporter.)

9 Q. Before being placed in that room did
10 you order any beverages, anything to drink,
11 anything to eat?

12 A. When do you mean, after we entered
13 the room?

14 Q. No, before you went into the room
15 did you place an order?

16 A. No.

17 Q. Mr. Min Cheol Jung, how many beers
18 did he have at that restaurant?

19 A. So we shared this 3,000 CC pitcher
20 together, so about the same amount, I guess.

21 Q. Did Mr. Min Cheol Jung appear
22 intoxicated to you when you arrived to the
23 karaoke bar?

24 A. No, no, he can hold more than I, so
25 I don't think so.

1 Q. When you arrived, when you were
2 placed in a room, was there a point when
3 after you were placed in that room an order
4 was taken?

5 A. Yes.

6 Q. What did you place for an order?

7 A. I ordered some whiskey.

8 Q. What kind of whiskey?

9 A. That I can't recall.

10 Q. Anything else other than the
11 whiskey?

12 A. So that karaoke, if you order
13 whiskey, some other stuff, like fruits or
14 something to eat with, would come out.

15 Q. What was -- was the whiskey provided
16 to you?

17 A. Yes, it did. It was.

18 Q. It came in a bottle, correct?

19 A. Yes, yes.

20 Q. And it was served on a tray with
21 glasses?

22 A. No, the glasses were already placed
23 on the table. So their system is the glasses
24 are there on the table, but they would bring
25 the whiskey or the other stuff, I don't know

1 which one came first, but then not the
2 glasses.

3 Q. So the whiskey, and the other stuff
4 being the food, right?

5 A. Yes, fruits and other thing.

6 Q. This is -- do you know what table
7 service is, or bottle service, excuse me, is?

8 THE INTERPRETER: I'm sorry?

9 MS. NICOLAOU: Let me rephrase it.

10 Q. Mr. Lee, do you know what the term
11 bottle service is?

12 A. What is the bottle service?

13 Q. Fine. Let me go at it a different
14 way. After the whiskey and the food was
15 brought to the room, did you pour yourself a
16 glass of whiskey?

17 A. So I don't have a clear
18 recollection, but according to the Korean
19 culture and how we usually drink is that a
20 person who is younger than you would pour the
21 glass first. So although I do not recall who
22 poured, but I think the person that I went
23 there with, Min Cheol Jung, would have poured
24 a glass for me first.

25 Q. Okay, I understand. So Min Cheol

1 Jung is younger than you?

2 A. Yes, that's correct.

3 Q. Based on the Korean culture, Min
4 Cheol Jung would have poured you a glass,
5 handed it to you, and then poured himself a
6 glass?

7 A. No, then I would pour one for him.

8 Q. I see, so you pour each other's
9 glasses?

10 A. Correct.

11 Q. Did there come a point in time where
12 Mr. Shin arrived to the karaoke bar?

13 A. That I have no clear recollection
14 whether Mr. Shin had arrived later after I
15 did, or we arrived around the same time, or
16 he did before I did, I have no clear
17 recollection.

18 Q. But at some point in time Mr. Shin
19 and you were in the same room together, is
20 that right?

21 A. Yes, that is correct.

22 Q. When Mr. Shin came -- when Mr. Shin
23 entered the room, was Mr. Min Cheol Jung
24 still in the room with you?

25 A. Yes, he was.

1 Q. Did anybody enter the room with
2 Mr. Shin, other than himself?

3 A. Yes, there was a person whose name
4 is John, he accompanied Mr. Shin.

5 Q. Is that John Kim?

6 A. That is correct, John Kim.

7 Q. Do you recall how many glasses of
8 whiskey you had prior to Mr. Shin arriving to
9 your room?

10 A. You mean I before Mr. Shin entered
11 the room?

12 Q. Yes.

13 A. So it also connection to the
14 recollection that I don't have whether he
15 arrived first or I did first, so I don't
16 recall how many glasses I actually had before
17 Mr. Shin arrived.

18 Q. Do you recall how many glasses of
19 whiskey you had that night before Mr. Shin's
20 accident?

21 A. You mean I?

22 Q. Yes, you.

23 A. I can't recall how many glasses I
24 had, I did drink, but I can't recall how many
25 glasses.

1 Q. How many bottles were ordered for
2 your room prior to Mr. Shin's accident?

3 MS. BERKOWITZ: Objection to the
4 form of the question.

5 A. So I don't recall exactly, but I
6 believe it would be one bottle, because
7 Mr. Shin did come to our room, but he did not
8 drink with us, soon after he went to the next
9 room, so.

10 Q. When Mr. Shin went into the next
11 room, did he stay there, to your knowledge --
12 let me withdraw that. After Mr. Shin arrived
13 to your room, how long was he in your room
14 before he left to go to the next room?

15 A. I can't recall exactly for how long,
16 but I recall it was a short time, it wasn't
17 too long.

18 Q. And your recollection was he didn't
19 drink anything in your room?

20 A. So I don't recall exactly, but I
21 assume that he would have had at least one
22 glass in our room because he and Mr. Min
23 Cheol Jung never had met before the day, so
24 according to the Korean culture, I introduce
25 them together, then they would have shared at

1 least one glass together. It's very nice to
2 meet you kind of thing.

3 Q. After Mr. Shin left your room to go
4 to the next room, did he return?

5 A. He did not.

6 Q. When was the next time you saw
7 Mr. Shin?

8 A. I was actually expecting Mr. Shin to
9 come back to our room, but he did not, and he
10 was spending his time in the next room, so I
11 actually visited the next room saying that
12 why don't you come back to our room. And so
13 I waited, I asked him that in the next room,
14 then I came back to my room and waited, but
15 he still didn't come to our -- come back to
16 our room, so I figured that he wants to spend
17 his time in the next room, then let him be,
18 then let us leave, then we were leaving.

19 Q. How long were you in your room when
20 you went to the room that Mr. Shin was at to
21 see him?

22 A. That I can't recall.

23 Q. Can you estimate in any way, an hour
24 later, 2 hours later, more, less?

25 A. I don't know, maybe 1 hour.

1 Q. About an hour. When you went to see
2 Mr. Shin in the other room, did you feel like
3 you were intoxicated?

4 A. Me, not that, not too much.

5 Q. Were you feeling the affects of the
6 alcohol at that point, the buzz feeling?

7 A. Yes, of course I felt the alcohol,
8 because I have a little tolerance and I get
9 red.

10 Q. How many drinks of whiskey had you
11 had before you went to see Mr. Shin in the
12 other room?

13 A. I didn't have many, because actually
14 we were supposed to drink together, me and
15 Mr. Shin, but then I don't know what was the
16 reason, maybe on a business, he was spending
17 a long time in the next room, but then in my
18 room, the John, this person whose name is
19 John, and my friend who went to the location
20 with me, it was first time for them to meet,
21 so the atmosphere, it wasn't natural, it was
22 a little raw to keep drinking, so I don't
23 think I had many glasses.

24 Q. Did you have more than one glass of
25 whiskey?

1 A. At least I had one, yes.

2 Q. Did you have more than two?

3 A. I don't recall exactly, but I do
4 know that I didn't have many, because of the
5 reason that I explained, the whole the
6 atmosphere, the mood was not friendly enough
7 because people didn't know each other and
8 also because of my drinking habit anyway,
9 because I don't have a big tolerance towards
10 alcohol, so I usually drink not too many.

11 MS. NICOLAOU: What was the
12 question?

13 (Whereupon, the record was read
14 by the reporter.)

15 Q. When you went to see Mr. Shin in the
16 room about an hour later, did he appear
17 intoxicated to you?

18 A. Yes, he appeared drunk.

19 Q. Were you introduced to anyone in
20 that room?

21 A. No.

22 Q. When you went in to see Mr. Shin in
23 that room was John Kim with you?

24 A. You mean in that room, John Kim was
25 in my room.

1 Q. Yes, when you left your room to go
2 see Mr. Shin, did John Kim come with you?

3 A. No, I was the only one.

4 Q. Then after you saw Mr. Shin you went
5 straight back to your room, is that right?

6 A. Yes, that's correct.

7 Q. How much time at that point when you
8 returned to your room passed before you saw
9 Mr. Shin again?

10 A. I don't know, I can't recall.

11 Q. Was it more than an hour, less than
12 an hour?

13 A. I mean, if you say like is it more
14 than an hour, more than 2 hours, I can't
15 really recall. And when I said about an
16 hour, that I'm not even sure about.

17 Q. After you returned to your room did
18 you stay in your room for any period of time,
19 or did you leave right away?

20 A. I had stayed there for a bit.

21 Q. Did you have another drink at that
22 point?

23 A. I don't think I did, I don't believe
24 I was in mood for drinking more, because as
25 you probably guessed that he was supposed to

1 be drinking with me, but then he was in the
2 other room, so I didn't feel like drinking
3 more by myself.

4 Q. Was anyone in that room other than
5 you, in your room, was anyone else in that
6 room, other than you, John Kim, and Min Cheol
7 Jung?

8 A. Do you mean my acquaintances?

9 Q. Anyone?

10 A. I mean, there were people working
11 there were in and out of the room.

12 Q. Was there any people who stayed in
13 the room that you believed to be employees of
14 the karaoke bar?

15 A. There was no one who had stayed
16 there ongoing.

17 Q. When you went to see Mr. Shin in the
18 other room to see what he was doing and try
19 to get him to come back to your room, how
20 many people did you see in that room at that
21 point?

22 A. Maybe four, five.

23 Q. Were they all men?

24 A. Because I wanted to see --

25 THE INTERPRETER: I'm sorry, strike

1 that.

2 A. I only wanted to see Mr. Shin, so
3 basically I called him out of the room, and I
4 glanced the room, so to my recollection,
5 although it's not clear, I think in total
6 there were four to five people in the room, I
7 don't recall how many of them were men and
8 how many of them were women, but I think
9 there were about four or five people in the
10 room.

11 Q. Do you recall, specifically recall,
12 seeing any women in that room?

13 A. That's what I'm trying to explain, I
14 don't recall, I have no recollection to see
15 clearly whether there were all men or women.

16 Q. Fair enough. When you called
17 Mr. Shin out, did he step out?

18 A. He didn't.

19 Q. You had basically a conversation
20 with him from the door?

21 A. So basically I opened the door, but
22 I didn't open it wide, I opened it ajar,
23 slightly, then I could see him, so I signaled
24 him to come out, then I left.

25 Q. Did you go back to your room?

1 A. Yes.

2 Q. Did Mr. Shin follow you?

3 A. He did not.

4 Q. After a period of time in your room
5 that's when you decided to leave?

6 A. Yes, that's correct.

7 Q. When was the next time you saw
8 Mr. Shin after you signaled for him to come
9 out of the room but he didn't?

10 A. After that I actually went to that
11 room again and told him that I was leaving,
12 so that was the next time when I saw him.

13 Q. When you returned to that room a
14 second time, did you do it in the same
15 fashion, open the door, tell him you were
16 leaving, and then closed it again?

17 A. Yes.

18 Q. So the same way you did it the first
19 time?

20 A. The same.

21 Q. This time did Mr. Shin follow you?

22 A. Yes, at that time all of a sudden he
23 said, oh, I am leaving too, then he opened
24 the door and came out.

25 Q. Did he come out by himself?

1 A. Yes, yes, he came out by himself,
2 but then someone followed him after he was
3 out.

4 Q. Do you know who that someone is?

5 A. The person who got into a fight with
6 him.

7 Q. Before you left your room, when you
8 left your room to tell Mr. Shin you were
9 leaving, did you pay the tab?

10 A. Of course I paid for what I drank.

11 Q. Did you share it with Mr. Min Cheol
12 Jung?

13 A. No. It's Korean culture, because I
14 am the senior in terms of, so I paid for it.

15 Q. Do you know if Mr. Shin paid the tab
16 for the room he was in?

17 A. I don't know. How would I know.

18 Q. Did you see him take cash out before
19 he left the room to put towards the bill?

20 A. I did not.

21 Q. Do you know a person by the name of
22 Daniel Park, who is a CPA?

23 A. I do.

24 Q. How long have you known Mr. Park?

25 A. About 4 to 5 years.

1 Q. Did you see Mr. Park in the room
2 where Mr. Shin spent most of his time on the
3 night of the incident at the karaoke bar?

4 A. Yes, I did, I saw Mr. Park.

5 Q. When you saw Mr. Park in that room,
6 did you notice whether he was awake, asleep?

7 A. I don't know about that.

8 Q. Did you recognize anybody else in
9 that room, other than obviously Mr. Shin and
10 Mr. Park?

11 A. I don't know. I don't think I saw
12 anybody else that I knew. And to clarify, I
13 didn't even see their faces clearly.

14 Q. Now, you said Mr. Shin stepped out
15 and another gentleman came, followed him out
16 the door, is that right?

17 A. Kim, did you say Kim?

18 Q. No, I didn't say Kim.

19 THE INTERPRETER: I'm sorry, I
20 heard Kim. Could you read it back to
21 me.

22 (Whereupon, the record was read
23 by the reporter.)

24 MS. NICOLAOU: Let me reask the
25 question.

1 Q. When you told Mr. Shin you were
2 leaving, and he followed you and he decided
3 to leave as well, you indicated another
4 gentleman followed him out, is that right?

5 A. Correct.

6 Q. Do you know who that person is, or
7 was?

8 A. What do you mean whether I knew that
9 person?

10 Q. At the time you observed this person
11 leave the room after Mr. Shin left, did you
12 know who that person was?

13 A. I didn't know him, it was a person
14 that I did not know.

15 MR. WEISSLER: Before you ask
16 another question, it's 2:00, can we
17 take a break?

18 MS. NICOLAOU: Yes.

19 (Whereupon, a luncheon
20 recess was taken.)

21 Q. Mr. Shin --

22 MR. BASIL: Mr. Shin?

23 MS. NICOLAOU: I'm sorry, thank
24 you.

25 Q. Mr. Lee, I understand you did not

1 know the gentleman that walked -- that
2 followed Mr. Shin out of the room on the
3 night of Mr. Shin's incident, or the incident
4 involving Mr. Shin, but did there come a
5 point in time that night, that evening, that
6 you recognized him?

7 MR. WEISSLER: Just note my
8 objection to the form of the question.

9 A. So when I was trying to break them
10 apart, then I recognized him.

11 Q. Who did you recognize him to be?

12 A. This person that I was talking
13 about.

14 Q. Yes, who did you recognize him to
15 be?

16 A. So I don't know if I understood your
17 question correctly, but what I meant to say
18 is that when I tried to break up the fight,
19 that while I was doing so I recognized that
20 person's face as this is the person in a
21 fight.

22 MR. WEISSLER: I didn't hear the
23 rest of it, in a?

24 THE INTERPRETER: A fight.

25 Q. Let's back up. You told Mr. Shin he

1 was leaving -- that you were leaving, and
2 Mr. Shin indicated that he wanted to leave
3 too, is that right?

4 A. Yes. And the other person followed
5 him.

6 Q. Mr. Shin stepped out, the other
7 gentleman followed him, is that right?

8 A. So to clarify, I do not actually
9 witness or saw with my eyes that that
10 particular person was following after
11 Mr. Shin. What I recognized or observed was
12 that Mr. Shin was coming out of the room and
13 someone was cursing at him, and so I was like
14 who is that, that's how I recognized the
15 whole situation, not particularly that
16 person.

17 Q. I understand. Now, Mr. Lee, I'm
18 going to ask you just to listen my question,
19 only answer my question, okay. We're going
20 to get there, I just need to understand the
21 timeframe and timeline of the event during
22 that period of time. Just listen to my
23 question and only answer my question, okay.

24 A. Yes.

25 MS. NICOLAOU: Can you read back my

1 last question, please.

2 (Whereupon, the record was read
3 by the reporter.)

4 Q. Just answer the question, yes or no?

5 A. Yes.

6 Q. After Mr. Shin stepped out and the
7 gentleman followed him out, what was the next
8 thing that happened?

9 A. So that's what I wanted to explain
10 to you before. So Mr. Shin came out and
11 someone was following Mr. Shin and he was
12 cursing at Mr. Shin, and I don't know if he
13 wanted to punch Mr. Shin, whatever, but I
14 felt like he was picking up on a fight with
15 Mr. Shin. So, there was a whole space in
16 that store, in that bar, so Mr. Shin came
17 out, and we were all in that whole space, and
18 then because I felt like they were going to
19 be in a fight, I wanted to break up or
20 prevent the fight, so I was telling that
21 person, well, I think you had a little bit
22 too much of drink, and let's not do this, so
23 I was physically trying to prevent him go
24 into a fight. While I was doing so we were
25 actually kind of like drafted off the whole

1 space then ended up in that nearby the
2 staircase.

3 Q. When you say --

4 MR. WEISSLER: Move to strike that
5 portion which is not responsive to the
6 question.

7 MS. NICOLAOU: Can you read back
8 the answer.

9 (Whereupon, the record was read
10 by the reporter.)

11 Q. From the time you told Mr. Shin that
12 you were leaving, up until the time that you
13 ended up in that space near the staircase,
14 how much time had passed?

15 A. Was very quick moment, because I was
16 leaving the space, I was walking, and
17 Mr. Shin was also walking following me, but
18 then the other person followed Mr. Shin and
19 cursed at him, and I looked back and briefly
20 tried to stop the possible fight, then we
21 were talking, walking, and all ended up by
22 the staircase, so I would say it was very
23 short period of time.

24 MR. WEISSLER: Move to strike that
25 portion which is not responsive to the

1 question.

2 Q. What was the gentleman who was --
3 who followed Mr. Shin and was cursing at
4 Mr. Shin, what was he saying to him?

5 A. So he spoke in Korean mostly cursing
6 like who do you think you are, who are you,
7 you're son of a bitch, something like that.

8 Q. Do you know what the argument was
9 about between Mr. Shin and this gentleman?

10 A. I did not know. How would I know.

11 Q. Did Mr. Shin say anything to you
12 when he stepped out of the room, with respect
13 to why this gentleman was yelling and cursing
14 at him?

15 A. No.

16 Q. Did Mr. Shin, when Mr. Shin stepped
17 out of the room did he appear to you to be
18 intoxicated?

19 A. Who?

20 Q. Shin?

21 A. Yes, both of them actually, and
22 Mr. Shin appeared intoxicated.

23 (Whereupon, the record was read
24 by the reporter.)

25 Q. Did there come a point in time where

1 John Kim joined you and Mr. Shin and this
2 other gentleman as you were leaving the
3 karaoke bar?

4 A. I don't know about that. I don't
5 know.

6 Q. Did you ever come to learn the name
7 of that gentleman, that gentleman's name, the
8 one who was cursing at Mr. Shin, did you ever
9 come to learn who he was?

10 A. Later on, yes.

11 Q. How did you come to learn who this
12 person was?

13 A. So because it's Flushing, because
14 it's K town, Korean town, I think I've heard
15 from many different people about this
16 incident, and I learned later on the person
17 who pushed him, his last name was Lee, just
18 like mine.

19 Q. Is that all you know of him, is that
20 his last name is Lee?

21 A. Yes.

22 Q. You say that he pushed him, who did
23 Lee push?

24 A. Mr. Shin, the President, President
25 Shin.

1 MS. NICOLAOU: Off the record.

2 (Whereupon, a discussion was
3 held off the record.)

4 Q. Mr. Lee, have you ever reviewed any
5 security footage from the night that -- from
6 the night of Mr. Shin's accident?

7 A. No.

8 MR. BASIL: I don't believe he
9 understood your question.

10 MS. NICOLAOU: Okay, I'll reask it
11 a different way.

12 Q. Mr. Lee, did you ever look at any
13 security footage which captures the incident
14 involving Mr. Shin?

15 A. Yes, I have.

16 Q. When have you reviewed it?

17 A. Couple days ago, I think.

18 Q. You did that with your attorney?

19 A. Yes, I did.

20 Q. Was that the first time you looked
21 at it?

22 A. Yes, correct.

23 Q. So you hadn't seen it before a
24 couple days ago?

25 A. Correct.

1 Q. I'm going to show you what was
2 previously digitally marked as Defendant's
3 1 --

4 MS. NICOLAOU: 1?

5 MR. BASIL: I believe so.

6 Q. -- on March 15, 2019. The video,
7 just for the record, is 2 minutes and 23
8 seconds long, and I'm going to show Mr. Lee
9 sections of it. Now, Mr. Lee, I stopped the
10 video at 7 seconds into it.

11 MR. WEISSLER: Before you ask any
12 questions, I just want to note for the
13 record I object to Counsel's showing of
14 this video in advance of the
15 deposition, it's highly irregular and
16 should not have done so.

17 MS. NICOLAOU: You mean Bob, Bob
18 Basil?

19 MR. WEISSLER: Whoever was the
20 attorney who showed it to him, I don't
21 know who his attorney is that showed it
22 to him, is that Mr. Basil that showed
23 him that?

24 MR. BASIL: I will stipulate for
25 the record I am his attorney and he

1 reviewed this in my office in my
2 presence, yes.

3 Q. Mr. Lee, do you recognize the two
4 individuals 7 seconds into this video?

5 A. Yes.

6 Q. Who are they?

7 A. Myself and Mr. Shin.

8 Q. That's you, correct, on the left
9 side?

10 A. Yes, that's correct.

11 Q. And Mr. Shin is on the right side?

12 A. Yes.

13 Q. I stopped it at 10 seconds into the
14 video there's a gentleman appears to be
15 wearing button-down green shirt, do you see
16 that, with glasses?

17 A. Yes.

18 Q. Just for the record, on the bottom
19 right-hand corner of the screen, do you know
20 who that gentleman is, Mr. Lee?

21 A. Yes, I do.

22 Q. Who is that?

23 A. He is Min Cheol Jung, who
24 accompanied me.

25 Q. That's the gentleman who was younger

1 than you?

2 A. Yes, correct.

3 Q. How old are you, sir?

4 A. I was born in 1962.

5 Q. This gentleman, it's your
6 understanding, was younger than you?

7 A. Yes, correct.

8 Q. Now, at this time the gentleman Min
9 Cheol Jung --

10 A. Min Cheol Jung.

11 MS. BERKOWITZ: Mr. Jung.

12 Q. -- Mr. Jung is no longer on the
13 camera, right, you can't see him on this
14 camera, right?

15 A. Yes, correct.

16 Q. Do you see these two individuals on
17 the right-hand side of the screen?

18 A. So this person indicating the
19 individual on the upper middle right side of
20 the screen, so this is John Kim, and the
21 other person who is on the lower right side
22 of the screen --

23 THE INTERPRETER: Strike that.

24 A. -- it was the person I did not know.

25 Q. Is that the person you later learned

1 to be Lee?

2 MR. WEISSLER: I'm sorry, I could
3 not hear your question, Counselor.

4 Q. Is that the person you later learned
5 to be Lee?

6 MR. WEISSLER: Learned to be?

7 MS. NICOLAOU: Lee?

8 THE INTERPRETER: Mr. Lee?

9 A. I would think so, yes.

10 Q. I stop it at 19 seconds into the
11 frame. At this point Mr. Shin has his right
12 hand around your neck, is that right?

13 A. Yes.

14 Q. About 21 seconds into the video you
15 physically pull Mr. Shin's left arm from
16 around you, is that right?

17 A. Now I see it appears so.

18 Q. Do you see that we just stopped it
19 at 22?

20 A. Yes, yes.

21 Q. So you physically pull his arm from
22 around your neck, right?

23 A. Yes, I lowered his arm from myself,
24 but then I wasn't forcibly doing so I wanted
25 to speak with this person.

1 Q. We're going to play this again from
2 18 seconds I'll stop it at 22, just pay
3 attention to the video, now we stopped at 22,
4 based on that video, Mr. Lee, would it be
5 safe to say that you had to forcibly remove
6 Mr. Shin's hand from around your neck?

7 A. Yes, now I see that Mr. Shin was
8 grabbing it quite hard so.

9 Q. It's because Mr. Shin was drunk,
10 right?

11 A. I wouldn't know for sure, because it
12 wasn't myself whether he wanted to lean on me
13 or what was his intention, I wouldn't know
14 for sure.

15 Q. Did Mr. Shin appear to be drunk to
16 you?

17 A. Yes.

18 Q. At this point I'm just going to go
19 back a little bit. At 24 seconds into the
20 video we're going to start playing at this
21 point Mr. Shin appears to be leaning on the
22 wall on the top of the stairs, is that
23 correct?

24 A. Yes, correct.

25 Q. Do you remember when Mr. John Kim

1 joined you and Mr. Shin?

2 A. I don't know.

3 Q. Do you remember, sitting here today,
4 do you remember having Mr. John Kim being on
5 the top of the stairs with you and Mr. Shin
6 and the person you later learned to be Mr.
7 Lee?

8 A. What do you mean by that? It
9 clearly shows that everybody is here.

10 Q. That's not -- I'm not asking what
11 the video shows, I'm asking what you remember
12 from that night. Do you remember Mr. Kim
13 being on top of the stairs with you that
14 night?

15 A. No, I can't.

16 Q. I just stopped the video at 44
17 seconds. Based on the video it appears that
18 there's a conversation between Mr. Shin and
19 Mr. Lee, is that right?

20 A. So the whole situation is that it
21 looks like they were having conversation, but
22 actually in realty they weren't having a
23 conversation, it's just Korean drunk people
24 exchanging like meaningless curses at each
25 other, so it appears that I was saying that

1 both of you look intoxicated, so let's not do
2 this and then let's leave, so I was trying to
3 break up the argument.

4 Q. So your recollection of anything was
5 both Mr. Lee and Mr. Shin were cursing at
6 each other?

7 A. Correct, because Mr. Lee was cursing
8 at Mr. Shin first and then I think Mr. Shin
9 was reporting back, so it was going back and
10 forth, so I was trying to break them apart,
11 don't do this.

12 MR. WEISSLER: What were you saying
13 at that time?

14 THE WITNESS: Although I can't
15 recall exactly what I said, but I was
16 trying to call them down with nice
17 words, like it looks like you guys know
18 each other and why would you do this,
19 let's just go home in peace, something
20 like that.

21 MR. WEISSLER: What did Mr. Lee say
22 to you when he was patting you on the
23 back there? Do you want me to go
24 through this whole tape again later?

25 MS. NICOLAOU: No. Off the record

1 for a second.

2 (Whereupon, a discussion was
3 held off the record.)

4 Q. 1 minute and 43 seconds into the
5 video Mr. Shin puts up his middle finger, is
6 that right?

7 A. Yes.

8 Q. Do you know why?

9 A. I guess they were cursing at each
10 other, then he lifted it up.

11 Q. Does Mr. Lee become angrier when
12 Mr. Shin put up his middle finger?

13 A. So I guess it would have been, it
14 would have been the best if we had the sound,
15 but we don't. It would have been the best,
16 we would know what's being said clearly, but
17 we don't have the sound, so I'm going to try
18 and recall what was said. I think while I
19 was trying to calm them down there was still
20 assailing at each other, but this person, Mr.
21 Lee, was saying various different curses than
22 Mr. Shin, but Mr. Shin was as in response to
23 it he was just saying the F word, F word,
24 while he was doing that he put up his finger,
25 middle finger up there. So then I was

1 calming them down a little bit, then it
2 seemed they were calming down a little bit,
3 but then they cursed at each other again.
4 It's that kind of situation going back and
5 forth.

6 Q. I'm going to reask the question.
7 When Mr. Shin put up his middle finger, did
8 Mr. Lee become angrier?

9 MR. WEISSLER: Just note my
10 objection. There's been no testimony
11 that Mr. Lee was angry.

12 MR. BASIL: I'm sorry, are you
13 done, Steve?

14 MR. WEISSLER: Yes.

15 A. So from watching this video footage,
16 I would say that at this point this person,
17 Mr. Lee, appeared angrier, but I wouldn't say
18 it was prompted by the finger which was put
19 up by Mr. Shin, it was ongoing situation.
20 Because there was no sound, we can't hear
21 what Mr. Lee is saying, but he was constantly
22 cursing at Mr. Shin, Mr. Shin kept saying
23 fuck you, fuck you, and was just it got
24 worse. So at this point it got worse, but it
25 was going back and forth, they were

1 exchanging bad words kind of situation.

2 Q. Based on -- we paused this video at
3 2 minutes 1 second into the footage, from
4 this view we can see Mr. Shin, right, he's
5 still leaning up against the wall, is that
6 right?

7 A. Yes.

8 Q. From this clip you can see
9 Mr. Shin's right foot on the first step, is
10 that right?

11 A. Yes, it appears so.

12 Q. And the left foot on the landing, is
13 that right?

14 MR. WEISSLER: Left foot where?

15 MS. NICOLAOU: On the landing.

16 A. I wouldn't be so sure, isn't it that
17 both feet are on the same level.

18 Q. Okay. So they are either on the
19 same level or one on -- okay, fine. If your
20 view of this is that they are on the same
21 level --

22 A. I'm not sure. I wouldn't know for
23 sure. It looks like both of them are on the
24 same level, or one is on the step below, I
25 don't know.

1 Q. In this clip at 2 minutes and 1
2 second Mr. Shin is holding up his middle
3 finger, right?

4 A. Yes.

5 Q. Now, you've testified before that
6 you said Mr. Lee pushed Mr. Shin, is that
7 right?

8 A. Yes, that's what I heard too.

9 Q. Did you see -- my question to you,
10 sir, is not what you see on the video,
11 because clearly on the video your back is to
12 Mr. Shin, correct?

13 A. I didn't see it.

14 Q. What made you conclude that Mr. Lee
15 pushed Mr. Shin, Mr. Lee pushed Mr. Shin?

16 A. Because after this incident occurred
17 that's what I heard and also from the person
18 who reviewed this video footage told me so
19 this individual pushed him, that's why he
20 ended up at the police station.

21 Q. Who is the individual that told you
22 that?

23 A. Many people in Flushing. And also
24 when this incident occurred I was there when
25 the police arrived at the scene and took him

1 away.

2 Q. Did you speak to the police about
3 what had happened that night?

4 A. No, no, there was no time for it.

5 Q. When you spoke to -- when you looked
6 at this video, excuse me, a couple of days
7 ago, do you recall whether you saw on this
8 video whether anything Mr. Lee did caused
9 Mr. Shin to fall down the stairs?

10 MR. WEISSLER: Note my objection to
11 leading.

12 A. Well, I didn't really watch this
13 video with in details, I learned that there
14 was such video footage, and then I was
15 curious, so I just glanced at it, but not
16 like I am watching it right now.

17 Q. So this is we're going 2 minutes --
18 let me go back a little bit. I'm going to
19 play the rest of it, okay, just pay
20 attention.

21 A. Now it shows he's kicking.

22 Q. Based on your view of this video, is
23 that Mr. Lee kicked Mr. Shin?

24 MR. WEISSLER: Objection, there's
25 been no testimony, he didn't say that,

1 you're suggesting it to him, Counsel.

2 MS. NICOLAOU: He just said it.

3 Read back the statement, please.

4 MR. WEISSLER: He said he slipped.

5 MS. NICOLAOU: No, that's not what
6 he said. Can you please read back the
7 question and answer.

8 (Whereupon, the record was read
9 by the reporter.)

10 Q. Mr. Lee, is it fair to say that you
11 did not see Mr. Shin go down the staircase,
12 is that right, or, excuse me, fall down the
13 staircase?

14 A. That is correct, I did not see it.

15 Q. That was because your back was to
16 Mr. Shin the entire time, is that right?

17 A. Yes, correct.

18 Q. And you were more focused on Mr.
19 Lee, is that right?

20 A. Yes.

21 Q. Now, over here on the screen of the
22 security camera you can see what appears to
23 be two fluorescent lightbulbs over the
24 staircase --

25 A. Yes.

1 Q. -- do you see that?

2 A. Yes.

3 Q. Does that -- does the lighting
4 that's shown in this security camera
5 adequately represent the lighting as existed
6 on the night of Mr. Shin's accident?

7 MR. BASIL: Object to -- I'll wait
8 until you're done translating the
9 question.

10 THE INTERPRETER: Is it the video
11 does it adequately show how it was?

12 MS. NICOLAOU: The lighting.

13 MR. BASIL: I object to the form of
14 the question.

15 A. I am not sure, but I wouldn't think
16 so, because I don't think it accurately shows
17 the condition of the lighting of the night
18 when the incident occurred, and I also ask
19 you what the reason that I change the
20 lighting in this area, to my understanding or
21 to my recollection it was never enough, never
22 bright enough or adequate lighting for that,
23 so I installed more lights so that it will be
24 brighter, so I don't think it accurately
25 shows how it was on that night.

1 Q. Mr. Lee, did you ever have any
2 problems that night while you were trying to
3 hold back Mr. Lee, the other Mr. Lee, did you
4 have any problems seeing in that area?

5 A. Not like that.

6 Q. What does that mean? Yes or no, did
7 you have any problem seeing in the area
8 particularly on top of the staircase when
9 you're dealing with Mr. Lee and Mr. Shin that
10 night of Mr. Shin's accident?

11 A. So which part do you mean, so if you
12 mean that was it bright enough for me to see
13 a person's face up close, yes, it was, but I
14 don't know what you mean by that.

15 Q. So you could see people's faces, is
16 that right?

17 A. Of course.

18 Q. Yes, and you can see their hands, is
19 that right?

20 A. I would think that I was able to see
21 the hand, although I can't recall
22 intentionally, intently seeing the hand.

23 Q. Were you able to see the ground?

24 A. That I can't recall, because I don't
25 think I looked on the floor.

1 Q. Did you ever speak to Min Cheol Jung
2 to ask him if he saw what had transpired that
3 night?

4 A. I have not asked him particularly
5 did you see what happened, but we did talk
6 about what kind of incident is this, how does
7 this happen.

8 Q. Do you know if Mr. Min Cheol Jung
9 actually witnessed the incident between Mr.
10 Lee and Mr. Shin?

11 A. I did not ask him, but he himself
12 told me how it happened.

13 Q. What did he tell you?

14 A. Just how the video footage showed,
15 and then I was trying to break up the
16 argument, and then in between there was a
17 space and then this person kicked, that's how
18 he fell down the stairs.

19 Q. So your understanding is that
20 Mr. Shin fell down the stairs because he was
21 kicked by Mr. Lee?

22 A. Yes, correct.

23 Q. I'm sorry if I asked you this
24 question, but did you speak to the police in
25 connection with this incident?

1 A. No, I did not.

2 Q. Did you speak to anybody from the
3 district attorney's office in connection with
4 this incident?

5 A. No, I did not.

6 MS. NICOLAOU: I think I have no
7 further questions.

8 MR. BASIL: Why don't we take 5
9 minutes?

10 MS. NICOLAOU: Do you want to take
11 a quick break.

12 MR. BASIL: Yes.

13 (Brief recess taken.)

14 MR. BASIL: Plaintiff has no
15 questions at this point in time.

16 EXAMINATION

17 BY MS. BERKOWITZ:

18 Q. Good afternoon, sir. I represent
19 the karaoke bar. I just have a few follow-up
20 questions for you.

21 A. Yes.

22 Q. Earlier you testified that when
23 Mr. Shin called you on the day of the
24 incident he said he was not in a good mood,
25 correct?

1 A. To recall about it now, I don't
2 think he particularly said that he was in a
3 bad mood, it's maybe it was my understanding.
4 So what was talked about is that where are
5 you, I'm in New Jersey, so let's see each
6 other later on, something like that.

7 Q. So now you're saying you don't
8 recall him saying he was not in a good mood?

9 A. That is correct. If I said
10 something like that earlier today it's
11 probably while I was trying to guess about
12 the situation, but I don't recall him saying
13 that.

14 Q. When you went into the other room to
15 get Mr. Shin's attention for the first time,
16 did you observe any arguing, or fighting, or
17 cursing?

18 A. No.

19 Q. Did you observe a friendly happy
20 atmosphere, or anything like that?

21 A. I don't know about that either.

22 Q. Did you see Mr. Lee drink any
23 alcohol that night, yes or no?

24 A. Which Mr. Lee?

25 Q. Not you.

1 MS. NICOLAOU: Mr. Shin?

2 MR. BASIL: No, he asked about Mr.
3 Lee.

4 MS. NICOLAOU: Sorry.

5 A. No, I did not see it.

6 Q. Was Mr. Shin the oldest gentleman in
7 the room that he was in while he was
8 drinking?

9 A. I wouldn't know, I don't know.

10 Q. You testified earlier that Mr. Lee
11 appeared intoxicated to you, what's the basis
12 for that testimony?

13 A. Well, just a common sense that I
14 smelled alcohol off from his breath when he
15 was speaking, and also, you know, the
16 demeanor or how he reacted was appeared, it
17 was like a drunk person.

18 Q. What about his demeanor led you to
19 believe that he was drunk?

20 A. Just that overall situation of that
21 night led me to believe that.

22 Q. Was there anything specific about
23 his demeanor that led you to believe that?

24 A. I would say the words he spoke and,
25 for example, I was trying to calm them down

1 and break up the argument. If it was a sober
2 person, the person would have understood and
3 then probably just leave in peace, but then
4 he would not listen to me and then still
5 added, so.

6 Q. And this was on the landing that you
7 observed this demeanor?

8 A. What do you mean by that?

9 Q. You said that you observed his
10 demeanor and that he appeared intoxicated,
11 was that on the landing that you made these
12 observations?

13 A. Yes, there, that's the biggest part.

14 Q. What do you mean the biggest part?

15 A. The other part would be the fact
16 that he was cursing and following another
17 person, so I would think that it's not a
18 sober person.

19 Q. When Mr. Lee followed Mr. Shin out
20 of the room was anybody else present in the
21 hall besides for you, Mr. Lee, and Mr. Shin?

22 A. I would assume so, but I can't
23 recall exactly.

24 Q. Did you ever talk to any employees
25 of the karaoke club about this accident?

1 A. No.

2 Q. Did you ever talk to any employees
3 at the karaoke bar about Mr. Lee being
4 intoxicated?

5 A. No.

6 MS. BERKOWITZ: Thank you.

7 EXAMINATION

8 BY MR. WEISSLER:

9 Q. Good afternoon, Mr. Lee.

10 A. Good afternoon.

11 Q. My name is Steven Weissler. I'm an
12 attorney with the law office of Longo and
13 D'Apice. We are the attorneys for the
14 defendant Young K. Lee in this lawsuit. I'm
15 going to be asking you some questions about
16 the night of April 21st to April 22nd, 2017.
17 If you don't understand any of the questions
18 I ask, please tell me, and I'll be glad to
19 rephrase the question. If I'm not speaking
20 loud enough, or you're not sure if you heard
21 the question, please tell me --

22 A. Yes.

23 Q. -- I'll be glad to repeat the
24 question, or we can have the young lady court
25 reporter repeat the question.

1 A. Yes.

2 Q. Do you understand everything I've
3 said so far?

4 A. Yes.

5 Q. What is your date of birth?

6 MR. WEISSLER: We'll just leave the
7 year for the record.

8 A. 1962.

9 Q. Where were you born?

10 A. Seoul, Korea.

11 Q. When did you first come to the
12 United States?

13 A. In '80s, but to my recollection I
14 think it's either 1984 or 1985.

15 Q. Are you a United States citizen?

16 A. Yes.

17 Q. When did you become a United States
18 citizen?

19 A. Around '90, 1990.

20 Q. You'll forgive me for asking this
21 question, but I have to ask it, have you ever
22 been convicted of a crime?

23 A. No.

24 Q. What do the letters CMJJ stand for?

25 A. That's the initials of my family

1 members' names.

2 Q. When you first started the Picnic
3 Garden restaurant at 154-05 who was the owner
4 of that building?

5 A. Mr. Wang, family.

6 Q. Did you have a lease with the Wang
7 family when you first opened the restaurant?

8 A. You mean at this address?

9 Q. Yes.

10 A. Yes.

11 Q. As of the date of this incident,
12 April 22, 2017, who was the owner of the
13 entire building?

14 A. Wang family.

15 Q. When you went to dinner with
16 Mr. Jung on April 21st were you celebrating
17 anything?

18 A. No.

19 Q. What was the reason that you were
20 having dinner with Mr. Jung that night?

21 A. Just relationship.

22 Q. Are you related to him by family?

23 A. It's family friends.

24 Q. I'm sorry?

25 A. We're family friends.

1 Q. When you spoke with Mr. Shin from
2 the restaurant, that would be the restaurant
3 where you were with Mr. Jung, who called who,
4 did you call Mr. Shin or did Mr. Shin call
5 you?

6 A. Mr. Shin called me.

7 Q. Did you expect a call from him that
8 night?

9 A. No.

10 Q. Was Mr. Shin's bank, the Noah Bank,
11 financing the purchase of the building at
12 154-05 Northern Boulevard?

13 A. Yes.

14 Q. When Mr. Shin called you, did he ask
15 you to meet him at the karaoke bar?

16 A. No.

17 Q. Did you tell Mr. Shin that you
18 wanted to celebrate the purchase of the
19 building with him?

20 A. No.

21 Q. How many floors did the building
22 have at 154-05?

23 A. Three-story building.

24 Q. Did it also have a basement?

25 A. Yes, there is.

1 Q. Did the restaurant occupy the
2 basement and the first floor?

3 A. No, just the first floor.

4 Q. Who occupied the basement?

5 A. It's an empty space, just a storage
6 space.

7 Q. Who stores things in the basement?

8 A. It's not occupied by any specific
9 party or person. So there's some mechanical
10 stuff located in the basement, and anybody
11 could use it. Also, the mechanic room for
12 AT&T antennas and it's in that space too.

13 Q. As of the date of the incident,
14 April 22, 2017, who occupied the third floor?

15 A. So on the third floor I think three
16 or four businesses were occupying that space,
17 it's an office area, so my understanding is
18 that there was an attorney's office, a real
19 estate broker's office, and that there was
20 also skin care place called Nuskin,
21 N-U-S-K-I-N.

22 Q. Did you personally do a walk-through
23 of the building before the closing on
24 April 30, 2017?

25 A. No, I did not.

1 Q. Was there a reason that you changed
2 the staircase after the incident of April 22,
3 2017?

4 A. Yes, because I had renovated the
5 whole building, so changing the exterior,
6 also renovated the third floor of the
7 building, so it was a part of it.

8 Q. Did anyone recommend that you change
9 the staircase?

10 A. No, I decided it myself.

11 Q. When you made changes to the
12 staircase, did you change the railings?

13 A. Yes, everything was changed.

14 Q. At the time of this accident of
15 April 22, 2017 were there two railings on the
16 staircase?

17 A. No, just one side.

18 Q. When you changed the railings, did
19 you add a second railing?

20 A. I did not.

21 Q. Is there still just one railing as
22 of today?

23 A. Yes, that's correct.

24 Q. What change did you make to the
25 railing after the day of the accident?

1 A. Do you mean the rail?

2 Q. Did you remove the old railing?

3 A. Yes, of course.

4 Q. Did you put in a new railing?

5 A. Correct.

6 Q. How did the new railing compare with
7 the old railing?

8 A. So the old railing was in the shape
9 of a panel, the wood panel, so it was wide
10 like this.

11 THE INTERPRETER: Indicating about
12 a foot.

13 MS. NICOLAOU: I just object to the
14 indication. Can you have him just
15 raise his hand about the railing's
16 width. That's not a foot.

17 THE INTERPRETER: Not a foot.

18 MS. NICOLAOU: I don't know how
19 much it is.

20 MR. BASIL: I'm going to guess
21 5 inches.

22 MS. NICOLAOU: I'd rather not
23 guess, but definitely can say it's not
24 a foot, nor is it half a foot,
25 definitely less than half a foot, but

1 I'm not going to take a guess of the
2 width.

3 Q. Let me try it this way. The old
4 railing, was it round, or was it square, or
5 something else?

6 A. So I would say square-ish, but also
7 rounded on the edges.

8 Q. What was the composition of the new
9 railing?

10 A. So it's a baton made of stainless
11 steel.

12 Q. Is the new railing wider, or less
13 wide, or the same width as the old railing?

14 A. Smaller.

15 Q. Earlier you were measuring with your
16 fingers the railing, was that the width of
17 the railing?

18 A. Yes, when I look at it from the
19 side.

20 Q. So when you were holding your hands
21 to show the width of the railing, can you
22 show me on this legal pad how wide it was?

23 A. I wouldn't be able to estimate or
24 gauge the width of the rail, what I was
25 trying to state to describe the old railing

1 is that to my understanding it appeared that
2 it's something of a width that a person could
3 have difficulty grabbing it, so that's why I
4 made a change to the railing.

5 MR. WEISSLER: Move to strike that
6 portion which is not responsive to the
7 question.

8 Q. Sir, I'm going to show you this
9 legal pad, this is an 8 by 11, I think we can
10 all agree it's an 8 by 11 legal pad, without
11 telling me how many inches, I'm just going to
12 ask you, can you indicate with your hand, as
13 you did before when you put your hand over
14 the pad, can you just show me from the top to
15 approximately how wide the railing would be?

16 MS. NICOLAOU: Just note my
17 objection. He's already testified he
18 couldn't really estimate.

19 MR. WEISSLER: But again, he put
20 his hand over it, Counselor, I'd like
21 him to put his hand over it.

22 MS. NICOLAOU: He put his hand over
23 it because he was talking.

24 MR. WEISSLER: Counselor, please
25 don't characterize it. I didn't

1 interrupt your deposition, don't
2 interrupt mine.

3 Q. Please just indicate with your hand
4 again.

5 MS. NICOLAOU: Note my objection.

6 A. So when I used my hand to estimate,
7 I didn't really estimate the width of the
8 railing, to clarify, so I won't be able to
9 give you an estimate using this legal pad.
10 So to clarify my response to your question is
11 that the reason I decided to make the change
12 to the rail was that, well, first of all, I
13 never actually grabbed the railing myself
14 with my own hands, it's my observation, and I
15 concluded that it would be a width or
16 something of a shape that a person wouldn't
17 be able to grab it instantly, and so that's
18 why, whether somebody tells me to fix it or
19 not, I wanted to fix the railing with
20 something with a different shape.

21 MR. WEISSLER: Move to strike that
22 portion which is not responsive to the
23 question.

24 Q. * I'm going to show you this legal
25 pad again, was the railing as wide as this

1 legal pad, or was it less than the width, I'm
2 sorry, less than the length of this legal
3 pad?

4 MR. BASIL: Objection. He's
5 already testified he can't answer.
6 Don't answer the question.

7 MR. WEISSLER: He hasn't testified
8 he can't answer.

9 Q. Answer the question.

10 MR. BASIL: No, don't answer the
11 question.

12 MR. WEISSLER: You're directing him
13 not to answer?

14 MR. BASIL: I'm directing him not
15 to answer.

16 MS. NICOLAOU: Can we have the last
17 question, not this question, the one
18 before that, and the answer read back,
19 please. The two questions before when
20 he asked him to describe it on the pad.

21 (Whereupon, the record was read
22 by the reporter.)

23 MR. WEISSLER: Please mark it for a
24 ruling, my last question.

25 Q. Did you speak to the architect

1 before the closing on April 30, 2017?

2 A. With an architect about what, no.

3 Q. Did you talk to the architect about
4 the stairway before the closing?

5 A. No.

6 Q. When you made changes to the
7 stairway, did you make any changes to the
8 lighting?

9 A. Yes, everything was changed.

10 Q. How did the new lighting compare
11 with the old lighting?

12 A. It's brighter.

13 Q. Did you add any fixtures?

14 A. So yes, I would say that. So I
15 changed the fixtures so rather than the old
16 one just one is sticking out, so I actually
17 added fixtures all the way up to the second
18 floor.

19 Q. When you say you added fixtures, was
20 that alongside the walls of the stairway?

21 A. No, on top, on the top.

22 Q. I believe you told us earlier about
23 the general contractor Lan Construction, do
24 you remember telling us about that?

25 MS. NICOLAOU: Hana?

1 A. Yes.

2 Q. I'm sorry, that was Hana
3 Construction, is that right?

4 A. Yes.

5 Q. Do you have any records in your home
6 about the work performed by the general
7 contractor, Hana Construction?

8 A. No, I do not.

9 Q. How did you get to the karaoke bar
10 at 154-05 after having dinner with Mr. Jung?

11 A. As I mentioned, I walked.

12 Q. At approximately what time did you
13 arrive at the karaoke bar?

14 A. As I mentioned before, I do not
15 recall exactly, but probably between 9:00 and
16 10:00.

17 Q. At approximately what time did you
18 first see Mr. Shin that evening?

19 A. I do not know.

20 Q. Was it before midnight or after
21 midnight?

22 A. When do you mean, for the first time
23 when I saw him?

24 Q. Yes, that would be the very first
25 time.

1 A. That I --

2 THE INTERPRETER: Sorry.

3 A. The time when I met him there was,
4 of course, before 12:00.

5 Q. When you first met him was that
6 closer to 10:00, or was it closer to
7 midnight?

8 A. I do not recall.

9 Q. When you first saw Mr. Shin did he
10 come into your room, or did you go into his
11 room?

12 A. What do you mean?

13 Q. Did Mr. Shin have a separate room
14 than your room?

15 A. Maybe you didn't listen to me when I
16 was testifying before, but it's not like
17 Mr. Shin had a separate room. I met Mr. Shin
18 in that room where I was at.

19 Q. When you say the room where you
20 were, was that where Mr. Jung was?

21 A. Yes, correct.

22 Q. Before Mr. Shin came did you order
23 one bottle of Johnny Walker whiskey?

24 A. As I said before, I have no clear
25 recollection who or at first when anybody

1 arrived there what was done, I can't recall.

2 MR. WEISSLER: Move to strike that
3 portion which is not responsive to the
4 question.

5 Q. Do you remember telling us earlier
6 that there was -- that someone ordered one
7 bottle for the room, is that correct?

8 A. Yes, and I would only -- I could
9 only assume so because somebody ordered it,
10 that's why the drink was brought into the
11 room.

12 Q. Was that Johnny Walker whiskey?

13 A. I have no recollection whether it
14 was Johnny Walker or not. It was whiskey,
15 some sort of whiskey.

16 Q. Approximately what time did you
17 leave the karaoke bar?

18 A. I do not know, I can't recall.

19 Q. Was it after midnight?

20 A. I don't know about that. I mean, if
21 I had known, I would have given you the
22 estimate.

23 Q. At approximately what time did
24 Mr. Shin fall down the staircase?

25 A. How would I know, I don't know.

1 Q. During the time that you were in the
2 room with Mr. Jung, until the time that you
3 left, did anyone order another bottle of
4 whiskey?

5 A. I do not know, I have no
6 recollection of that.

7 Q. Was any beer served in the room
8 where you were with Mr. Jung?

9 A. I don't recall. I don't know.

10 Q. During the time that you were in the
11 room with Mr. Jung, from the time you arrived
12 between 9:00 and 10:00, and whenever you left
13 to go home, were there any women servers in
14 your room?

15 MS. BERKOWITZ: Objection to the
16 form of the question.

17 A. Yes, it's part of the karaoke
18 system, so women, the employees, would come
19 in -- go in and out of the room and serve.

20 Q. What did they serve?

21 A. So sometimes they would pour drinks,
22 and then they would talk to the guests.

23 Q. Did the women give massages?

24 A. No.

25 Q. Did the women give lap dances?

1 A. No.

2 Q. Did the women dance on poles?

3 A. There's no pole.

4 Q. How long did Mr. Shin remain in your
5 room after he came in for the first time?

6 A. As I said before, I don't recall for
7 how long, but I recall that he didn't stay in
8 that room for long, it was short.

9 Q. During that short time that he was
10 in the room did any of the women serve him
11 whiskey?

12 A. That I don't recall after he was in
13 the room who served what to whom, I can't
14 recall.

15 Q. After Mr. Shin stayed for a short
16 time in your room, did he go back to his
17 room?

18 A. What do you mean by he?

19 MR. WEISSLER: Can you read back my
20 question, please.

21 (Whereupon, the record was read
22 by the reporter.)

23 A. So I think you misunderstood the
24 room situation, that's why I was confused.
25 It's not like Mr. Shin had a separate room to

1 himself, where I was the room I was in was
2 Mr. Shin's room, so we're supposed to meet
3 there, but he left the room and went to
4 another room.

5 Q. How long was Mr. Shin in the other
6 room before you went and opened the door and
7 waived for him to come over?

8 MS. NICOLAOU: Can we get a
9 clarification, first or second time?

10 A. As I testified before, I don't know,
11 I can't recall exactly, because it's a
12 drinking situation, I wasn't exactly timing
13 how long he was staying in the other room.

14 Q. After you poked your head into that
15 other room and Mr. Shin didn't come back --
16 didn't come back with you, did you go back to
17 your room?

18 A. Yes, as I testified before.

19 Q. How long did you remain in your room
20 before you went to the other room for the
21 second time?

22 A. I do not recall.

23 Q. Between the time that you were --
24 you poked your head into Mr. Shin's room the
25 first time, and the time that you poked your

1 head in there the second time, did you have
2 anything to drink in your room?

3 A. I didn't drink much. I don't think
4 I drank much, as I testified before, for the
5 reason I testified for before.

6 Q. Between the first time you poked
7 your head in Mr. Shin's room and the second
8 time you poked your head in Mr. Shin's room
9 did anyone in your room order a second bottle
10 of whiskey?

11 A. I do not know.

12 Q. Do you remember how much was the
13 bill for the room where you stayed with
14 Mr. Jung that night?

15 A. No, I can't recall.

16 Q. I'm going to show you what's been
17 previously marked as -- it's been previously
18 marked as Defendant's Exhibit B from
19 February 1st, 2019. Take a look at that, and
20 please take your time.

21 A. They gouged me.

22 Q. Is that the bill you paid for your
23 room?

24 MS. BERKOWITZ: Move to strike the
25 portion that was not responsive.

1 A. I don't recall paying for it, but if
2 this was the bill brought to me, to the room
3 where I was, then I must have paid it. So
4 according to that --

5 Q. When you look at the top of the
6 page, can you see where it says black two
7 bottles \$200?

8 A. Yes, but I think there's something
9 wrong with it.

10 Q. Does that refresh your memory that
11 two bottles of whiskey were ordered for your
12 room?

13 A. No.

14 MS. NICOLAOU: Can I see.

15 Q. When you paid the bill that night
16 did you pay by cash, or by check, or
17 something else?

18 A. I don't recall.

19 Q. I'm going to show you what's been
20 previously marked as Defendant's Exhibit C
21 from February 1st, 2019. Take your time and
22 take a look at that, and tell me if you
23 recognize that document? Have you ever seen
24 that document before?

25 A. No.

1 Q. Do you see at the bottom where it
2 says \$1,500 cash?

3 A. Yes.

4 Q. Was that the amount that you paid
5 for the service in your room?

6 A. No, this is not my bill. That one
7 appears mine.

8 Q. That one appears what?

9 THE INTERPRETER: Mine.

10 Q. When you say that one, you're
11 talking about Exhibit B?

12 A. So if that one is B or A.

13 Q. There's no A.

14 A. Shown in B and C. So the one you're
15 holding right now is my bill, appears so.

16 Q. That's Exhibit B.

17 MR. BASIL: Correct.

18 Q. At the top of the page do you see
19 some Asian or Korean symbols at the top of
20 Exhibit B?

21 A. Yes.

22 Q. Do you know what those symbols stand
23 for?

24 A. So on top of this document on the
25 top right side and I see this the Korean

1 characters so Jason the phonetic spelling in
2 Korean, which is my name, and next to it it
3 says Shin president of the bank.

4 Q. The other symbols are the names,
5 women's names?

6 A. I don't know what they are.

7 Q. I'm going to show you Exhibit C,
8 that was the bill for \$1,500. Is Mr. Shin's
9 name at the top of that?

10 A. No, his name is not there.

11 Q. Do you know what those symbols stand
12 for at the top of that page?

13 A. Which one do you mean?

14 Q. You can start at the left side and
15 go to the right side.

16 A. Yes, they are in Korean.

17 Q. Are they the names of people?

18 A. The ones, yes, they appear to be
19 people's names.

20 Q. Are they women's names?

21 A. Yes, correct.

22 Q. Sir, I'm going to ask you to put
23 your cell phone away and turn it off until
24 we're finished.

25 MR. BASIL: He can do what he

1 wants.

2 MR. WEISSLER: If you're his
3 attorney --

4 MR. BASIL: I am his attorney.

5 MR. WEISSLER: -- then you should
6 instruct him to turn it off and show
7 some respect.

8 A. I am overtime now, I pay over \$200,
9 who going to pay to me.

10 MR. BASIL: Why don't you ask
11 relevant questions so we can get out of
12 here and not repeat questions that have
13 already been asked.

14 A. How many times repeat now.

15 MR. BASIL: He's been asked to
16 repeat time and time again questions
17 that have been previously asked that
18 are of limited importance, so if Mr.
19 Lee needs to check his cell phone
20 because you are interrupting his
21 business, then he shall continue doing
22 that during the course of this
23 deposition.

24 MR. WEISSLER: Please mark it for a
25 ruling.

1 MR. BASIL: There's no need to mark
2 a transcript for a ruling.

3 MR. WEISSLER: Certainly is. I
4 don't think Magistrate Gold would
5 appreciate that conduct, sir, and I
6 will continue. I am entitled to
7 conduct a complete deposition when I
8 choose.

9 MR. BASIL: There's no reason to
10 mark a transcript, that went out in the
11 '50s. You may continue.

12 Q. The person who you later learned to
13 be Young K. Lee, did you ever meet Young K.
14 Lee prior to the night of April 21st to April
15 22nd, 2017?

16 MR. BASIL: I object to the
17 question, as that this has been asked
18 before. The only possible reason to
19 ask it again is to badger this witness.
20 How many times do we have to hear the
21 same question in this deposition.

22 Q. When you went out of the room and
23 onto the landing and stood between Mr. Shin
24 and the person who you later learned to be
25 Young K. Lee, were you intoxicated at that

1 time?

2 A. No.

3 Q. Other than looking at the video, did
4 you see Young K. Lee kick Mr. Shin?

5 MR. BASIL: Objection. Was this
6 question not already asked?

7 MR. WEISSLER: I'm allowed to
8 conduct a complete deposition, if
9 that's what I choose to do, Counselor.
10 I am fully within my rights and fully
11 within the federal court rules.

12 MR. BASIL: You are not allowed to
13 badger this witness.

14 MR. WEISSLER: I am not badgering
15 the witness, I'm conducting a
16 deposition.

17 MR. BASIL: That's your opinion.

18 MR. WEISSLER: Please read back the
19 question, and again note for the record
20 that the witness has failed to put down
21 his telephone. And I don't know what
22 he's looking up, he could be Googling
23 things about this particular case, and
24 it's highly irregular.

25 (Whereupon, the record was read

1 by the reporter.)

2 A. No.

3 Q. When you put both your hands on
4 either side of Mr. Young K. Lee's face, what
5 were you saying to him?

6 A. So I don't recall what I said
7 exactly at the moment, but everything that I
8 said in that situation is that let's stop
9 this, let's not do this, let us go home.

10 Q. What was the reason that you put
11 your hands on Mr. Young K. Lee's face?

12 A. So I would say it's a part of Korean
13 culture, he was a stranger to me, I didn't
14 personally know him, but then it was more
15 like, you know, touch him, physical contact,
16 and then say let's not do this, we're same
17 Korean people, and try to soften the
18 situation, I would say.

19 Q. Before Mr. Shin fell down the stairs
20 did any portion of your body come in contact
21 with any portion of Mr. Shin's body?

22 A. No.

23 Q. When you looked at the video earlier
24 was there a reason that you were shaking
25 hands with Young K. Lee?

1 A. It's the same thing that I explained
2 before, it's the same Korean people, I wanted
3 to make a friendly physical contact so that I
4 could calm him down, let's not do this, let's
5 go home.

6 Q. Were you angry with Mr. Shin for not
7 drinking with you that night?

8 A. No.

9 Q. Where was Mr. Jung at the time that
10 Mr. Shin fell down the stairs?

11 A. I do not know, I am sure that he was
12 in that same area, but I don't know where he
13 was exactly.

14 MR. WEISSLER: I have nothing
15 further, thank you.

16 CONTINUED EXAMINATION

17 BY MS. NICOLAOU:

18 Q. Mr. Lee, really quick, this is going
19 to be quick. I'm going to show you what's
20 been marked Defendant's Exhibit H dated
21 February 1st, 2019. Do you recognize what's
22 shown in this photograph, yes or no?

23 A. No.

24 Q. Do you recognize this staircase to
25 be the staircase leading from the karaoke bar

1 down to the first floor of the building?

2 A. Yes, correct.

3 Q. This is how the staircase looked on
4 the date of the accident, is that right?

5 A. Yes.

6 Q. Do you see a banister on each side?

7 A. Yes.

8 Q. Based on this photograph, is it
9 correct to say that there were two banisters,
10 one on each side, on the date of the
11 accident?

12 A. It appears so.

13 Q. The banisters that are shown in this
14 photograph, those are the banisters that you
15 were trying to describe before, is that
16 right, the ones that you replaced?

17 A. Yes, it is, this is it.

18 MS. NICOLAOU: Thank you. No
19 further questions.

20 (Time Noted: 4:50 p.m.)

21

22

23

24

25

1 A C K N O W L E D G E M E N T

2 I, CHUNG K. LEE, hereby certify that I
3 have read the transcript of my testimony taken
4 under oath on May 28, 2019, that the
5 transcript is a true, complete and correct
6 record of what was asked, answered and said
7 during my testimony under oath, and that the
8 answers on the record as given by me are true
9 and correct.

10

11 -----

12 CHUNG K. LEE

13

14

15

16 Signed and subscribed to
17 before me, this ____ day
18 of _____, _____.

19

20 -----

21 Notary Public

22

23

24

25

1 C E R T I F I C A T E

2 I, JOI RAFKIND, a shorthand reporter and
3 Notary Public within and for the State of New
4 York, do hereby certify:

5 That the witness whose testimony is
6 hereinbefore set forth was duly sworn by me,
7 and the foregoing transcript is a true record
8 of the testimony given by such witness.

9 I further certify that I am not related
10 to any of the parties to this action by blood
11 or marriage, and that I am in no way
12 interested in the outcome of this matter.

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JOI RAFKIND

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July 30, 2019

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**Re: Shin, Edward v. YSE Enterprises, Inc., Michael S. Wang, Victoria Wang
as Trustee of the Richardson Irrevocable Trust, Terrance Wu, Deh-Jung
Deborah Wang and Young K. Lee**
Our File No: 10258.0063841

Dear Counselors:

Enclosed please find the deposition transcript of your non-party witness, CHUNG K. LEE, in connection with the above-referenced lawsuit. Kindly have the transcript properly executed and returned to this office within twenty (20) days.

Should you fail to return the deposition transcript within twenty (20) days, please be advised that use of it will be made as though it had been duly signed.

Thank you for your attention to this matter.

Very truly yours,

CHARTWELL LAW

By: 

Cinthia Carrera

cc
Enclosure